

By Mr. FULLER: Petition of Rand, McNally & Co., of Chicago, Ill., for the Littlefield, pilotage bill (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GARDNER of New Jersey: Petition of residents of the Second Congressional district of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of granges and residents of the Second Congressional district of New Jersey, for the consolidation of third and fourth classes of mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of Millville, N. J., against the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of residents of the Second Congressional district of New Jersey, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of William McKinley Camp, No. 9, Sons of Veterans, of Pleasantville, N. J., against bill H. R. 8131, relative to wearing uniforms, etc.—to the Committee on Military Affairs.

Also, petition of citizens of Bridgeton and Vineland, N. J., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAMILTON: Petition of citizens of Benton Harbor, Mich., against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON: Paper to accompany bill for relief of John McDermott—to the Committee on Claims.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of James Pharo—to the Committee on Invalid Pensions.

By Mr. HUBBARD: Petition of the Woman's Home Missionary Auxiliary, of Spencer, Iowa, for a law in behalf of prohibition in Indian Territory—to the Committee on the Territories.

Also, petition of the Spencer (Iowa) Woman's Home Missionary Auxiliary, for a law forbidding the sale of intoxicants in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINDSAY: Petition of Isabella Sullivan, president of the Associate Alumnae, favoring the pure-food bill (H. R. 4527)—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Paper to accompany bill for relief of Martin V. Barney—to the Committee on Invalid Pensions.

By Mr. PIERRE: Petition of citizens of Cumberland, Md., for an appropriation to rebuild Government buildings in San Francisco—to the Committee on Appropriations.

By Mr. REID: Paper to accompany bill for relief of M. A. Lucas, heir of Richard S. Lucas—to the Committee on War Claims.

By Mr. SAMUEL: Petition of Washington Camp, No. 105, Patriotic Order Sons of America, of Berwick, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Pennsylvania: Petition of the Patriotic Order Sons of America, Washington Camp, No. 622, of Lindsay, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the T Square Club, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Trades League of Philadelphia, Pa., opposing the Little and Gilbert bills, relative to labor organizations in disputes—to the Committee on the Judiciary.

Also, petition of 66 American artists, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of the parties to the coal-strike controversy, submitting the facts as to the demands of 1902, the Commission findings, the demands of 1906, and the operators' reply—to the Committee on Labor.

Also, petition in the form of a reprint from the National Drug-gist, against the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Fred Fear & Co. and G. Lowenstein, for extending the term of letters patent to John A. Gunn for a soap, dated March 18, 1890—to the Committee on Patents.

Also, petition of the Burglar and Fire Proof Mail and Express Car Company, for use of steel mail cars by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. WEBB: Petition of R. F. Johnson, editor of Good Times, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

SATURDAY, April 28, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15911) to amend the laws of the United States relating to the registration of trade-marks.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes.

The message further announced that the House had passed the following bills:

S. 13. An act granting an increase of pension to Hautville A. Johnson;

S. 556. An act granting an increase of pension to William H. Egolf;

S. 591. An act granting a pension to William C. Banks;

S. 834. An act granting an increase of pension to Lucian W. French;

S. 918. An act granting an increase of pension to Edwin N. Baker;

S. 971. An act granting an increase of pension to William H. Hackney;

S. 1013. An act granting an increase of pension to William H. Odear;

S. 1260. An act granting an increase of pension to Frank Pugsley;

S. 1514. An act granting an increase of pension to George W. Wicks;

S. 1564. An act granting an increase of pension to Leander C. Reeve;

S. 1605. An act granting an increase of pension to Richard H. Lee;

S. 1628. An act granting an increase of pension to Christian H. Goebel;

S. 1691. An act granting an increase of pension to Alice S. Shepard;

S. 1692. An act granting a pension to Ellen H. Swayne;

S. 1728. An act granting an increase of pension to Joseph H. Allen;

S. 1818. An act granting a pension to Edward T. White;

S. 1913. An act granting a pension to Clara F. Leslie;

S. 2021. An act granting a pension to Juliet K. Phillips;

S. 2759. An act granting an increase of pension to William B. Mitchell;

S. 2767. An act granting a pension to Sarah S. Etue;

S. 2799. An act granting an increase of pension to Willis H. Watson;

S. 2886. An act granting an increase of pension to Martha Hoffman;

S. 2959. An act granting an increase of pension to William R. Gallion;

S. 2977. An act granting an increase of pension to David B. Neafus;

S. 2985. An act granting an increase of pension to George W. Bodenhamer;

S. 3119. An act granting an increase of pension to Francis A. Beranek;

S. 3130. An act granting an increase of pension to George B. Vallandigham;

S. 3178. An act granting an increase of pension to Daniel Shelly;

S. 3230. An act granting an increase of pension to William C. Bourke;

S. 3272. An act granting an increase of pension to John Hirth;

S. 3273. An act granting an increase of pension to Abisha Risk;

S. 3308. An act granting a pension to Sarah Lovell;

S. 3415. An act granting an increase of pension to William Triplett;

S. 3454. An act granting an increase of pension to William Wilson;

S. 3408. An act granting an increase of pension to Myra R. Daniels;
 S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
 S. 3551. An act granting an increase of pension to Solomon Jackson;
 S. 3555. An act granting a pension to Alice A. Fray;
 S. 3655. An act granting an increase of pension to Mary A. Good;
 S. 3720. An act granting an increase of pension to Smith Vaughan;
 S. 3759. An act granting an increase of pension to Henry D. Miller;
 S. 3765. An act granting an increase of pension to Charles R. Frost;
 S. 3883. An act granting an increase of pension to Ferdinand Hercher;
 S. 4010. An act granting an increase of pension to Bridget Egan;
 S. 4018. An act granting an increase of pension to Ebenezer Lusk;
 S. 4112. An act granting an increase of pension to Henry Swigart;
 S. 4126. An act granting an increase of pension to Willard Farrington;
 S. 4193. An act granting an increase of pension to Calvin D. Wilber;
 S. 4231. An act granting an increase of pension to Owen Martin;
 S. 4359. An act granting an increase of pension to Mary E. Lincoln;
 S. 4392. An act granting an increase of pension to Cornelia A. Mobley;
 S. 4511. An act granting an increase of pension to William Hoaglin;
 S. 4576. An act granting an increase of pension to William Monks;
 S. 4582. An act granting an increase of pension to Seth H. Cooper;
 S. 4688. An act granting an increase of pension to Noel J. Burgess;
 S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
 S. 4745. An act granting an increase of pension to Susan J. F. Joslyn;
 S. 4759. An act granting an increase of pension to Oliver M. Stone;
 S. 4760. An act granting an increase of pension to John B. Lee;
 S. 4763. An act granting an increase of pension to Harrison Randolph;
 S. 4901. An act granting an increase of pension to Joshua M. Lounsberry;
 S. 5055. An act granting an increase of pension to Melvin Grandy;
 S. 5077. An act granting an increase of pension to Gabriel Cody;
 S. 5091. An act granting an increase of pension to Sallie Tyrrell;
 S. 5092. An act granting an increase of pension to Mary C. Feigley;
 S. 5093. An act granting an increase of pension to Josiah F. Staubs;
 S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
 S. 5095. An act granting a pension to Jeremiah McKenzie;
 S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
 S. 5146. An act granting a pension to Mary J. McLeod;
 S. 5173. An act granting an increase of pension to William S. Garrett;
 S. 5186. An act granting an increase of pension to Robert Staplins;
 S. 5189. An act granting an increase of pension to Margaret F. Joyce;
 S. 5192. An act granting a pension to John H. Stacey;
 S. 5205. An act granting an increase of pension to John F. Alsup;
 S. 5219. An act granting an increase of pension to David N. Norland;
 S. 5255. An act granting an increase of pension to John D. Cutler;
 S. 5291. An act granting an increase of pension to Elijah A. Smith;

S. 5337. An act granting an increase of pension to Samuel M. Tow;
 S. 5338. An act granting an increase of pension to David Buckner;
 S. 5342. An act granting an increase of pension to Mary E. Johnson;
 S. 5344. An act granting an increase of pension to Sophronia Roberts;
 S. 5355. An act granting an increase of pension to Annie M. Walker;
 S. 5366. An act granting an increase of pension to John Beatty;
 S. 5375. An act granting an increase of pension to Frances L. Porter;
 S. 5439. An act granting an increase of pension to George W. Dunlap;
 S. 5453. An act granting an increase of pension to Jacob M. Pickle;
 S. 5455. An act granting a pension to Emily J. Alden;
 S. 5515. An act granting an increase of pension to Matilda C. Frizelle; and
 S. 5517. An act granting an increase of pension to William H. H. Shaffer.
 The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
 H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
 H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
 H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
 H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
 H. R. 1192. An act granting an increase of pension to George B. Hess;
 H. R. 1413. An act granting an increase of pension to John Crawford;
 H. R. 1482. An act granting an increase of pension to Philip Cook;
 H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
 H. R. 1719. An act granting an increase of pension to William N. Whitlock;
 H. R. 1768. An act granting an increase of pension to George W. Childers;
 H. R. 1946. An act granting an increase of pension to James A. Sproull;
 H. R. 2155. An act granting an increase of pension to William H. Smith;
 H. R. 2168. An act granting an increase of pension to William Bridges;
 H. R. 2226. An act granting an increase of pension to George F. Long;
 H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
 H. R. 2791. An act granting an increase of pension to Mary E. Adams;
 H. R. 2816. An act granting an increase of pension to James C. Town;
 H. R. 3345. An act granting an increase of pension to Christina White;
 H. R. 3482. An act granting an increase of pension to Edwin W. Reed;
 H. R. 3686. An act granting an increase of pension to Henry R. Cowan;
 H. R. 3694. An act granting an increase of pension to Joseph D. Emery;
 H. R. 3933. An act granting a pension to James P. Flewellen;
 H. R. 4240. An act granting an increase of pension to James F. Chipman;
 H. R. 4244. An act granting an increase of pension to John Spaulding;
 H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
 H. R. 4388. An act granting a pension to Laura Hilgeman;
 H. R. 4406. An act granting a pension to Albert M. Ryan;
 H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
 H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
 H. R. 5048. An act granting an increase of pension to William A. Faller;
 H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;

- H. R. 5571. An act granting an increase of pension to William Cary;
- H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
- H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
- H. R. 6061. An act granting an increase of pension to William H. Chapman;
- H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
- H. R. 6498. An act granting an increase of pension to Isaac C. France;
- H. R. 6546. An act granting an increase of pension to Samuel A. White;
- H. R. 6865. An act granting an increase of pension to Charles F. Voss;
- H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;
- H. R. 7584. An act granting an increase of pension to James H. Kemp;
- H. R. 8056. An act granting an increase of pension to Nathaniel N. Winslow;
- H. R. 8140. An act granting a pension to Lucy A. Thomas;
- H. R. 8287. An act granting a pension to James Marshall;
- H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
- H. R. 8547. An act granting an increase of pension to John W. Madison;
- H. R. 8552. An act granting an increase of pension to Elisha G. Horton;
- H. R. 8716. An act granting an increase of pension to John L. Coffey;
- H. R. 8737. An act granting an increase of pension to Horace A. Manley;
- H. R. 8771. An act granting an increase of pension to Florence Sullivan;
- H. R. 8833. An act granting a pension to Edna M. Johnson;
- H. R. 8954. An act granting a pension to George Cunningham;
- H. R. 9135. An act granting a pension to August Crome;
- H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;
- H. R. 9529. An act granting an increase of pension to William Gibson;
- H. R. 9867. An act granting a pension to William Bieber;
- H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;
- H. R. 10008. An act granting an increase of pension to James W. Dorman;
- H. R. 10029. An act granting an increase of pension to Abram Higbie;
- H. R. 10177. An act granting a pension to Elizabeth Kohler;
- H. R. 10246. An act granting an increase of pension to John Harrison;
- H. R. 10257. An act granting an increase of pension to Samuel Deems;
- H. R. 10319. An act granting an increase of pension to Harvey Deal;
- H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
- H. R. 10525. An act granting an increase of pension to Artemas D. Many;
- H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
- H. R. 10922. An act granting an increase of pension to John McDonald;
- H. R. 10993. An act granting an increase of pension to Samuel Jones;
- H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
- H. R. 11151. An act granting an increase of pension to John Sirmyer;
- H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
- H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
- H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
- H. R. 11686. An act granting a pension to William C. Bergbahn;
- H. R. 11822. An act granting an increase of pension to Lawyer Sugs;
- H. R. 11917. An act granting an increase of pension to Davis Preston;
- H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
- H. R. 12088. An act granting an increase of pension to Louisa F. Spielman;
- H. R. 12135. An act granting an increase of pension to William Landahn;
- H. R. 12238. An act granting an increase of pension to Helen S. Brown;
- H. R. 12514. An act granting a pension to Arrennee Nolen;
- H. R. 12623. An act granting a pension to Minnie C. O'Connor;
- H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
- H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
- H. R. 12807. An act granting a pension to Nancy Ann Gee;
- H. R. 12810. An act granting an increase of pension to Edward Ross;
- H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
- H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;
- H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
- H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
- H. R. 13077. An act granting an increase of pension to James S. Prose;
- H. R. 13245. An act to correct the military record of Henry Gude;
- H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
- H. R. 13809. An act granting an increase of pension to James P. Tucker;
- H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
- H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
- H. R. 14118. An act granting an increase of pension to Edward Delany;
- H. R. 14169. An act granting an increase of pension to Bettie Stern;
- H. R. 14237. An act granting an increase of pension to Isaac Kindle;
- H. R. 14391. An act granting an increase of pension to Franklin Cooley;
- H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
- H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
- H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;
- H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
- H. R. 14982. An act granting an increase of pension to Isaac N. Long;
- H. R. 15003. An act granting an increase of pension to James Gray;
- H. R. 15032. An act granting a pension to Milton Diehl;
- H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;
- H. R. 15152. An act granting an increase of pension to Mary T. Corns;
- H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
- H. R. 15274. An act granting an increase of pension to Edward W. Bell;
- H. R. 15275. An act granting an increase of pension to Jehu Martin;
- H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
- H. R. 15316. An act granting an increase of pension to James McKelvy;
- H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
- H. R. 15486. An act granting a pension to William H. M. Carpenter;
- H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
- H. R. 15565. An act granting an increase of pension to Josias R. King;
- H. R. 15634. An act granting an increase of pension to Samuel M. Reese;
- H. R. 15692. An act granting a pension to Frank M. Dooley;
- H. R. 15695. An act granting a pension to John T. Wagoner;
- H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;

- H. R. 15819. An act granting an increase of pension to William T. Burgess;
- H. R. 15869. An act granting an increase of pension to Wilson H. McCune;
- H. R. 15886. An act granting an increase of pension to John Misner;
- H. R. 16044. An act granting an increase of pension to John C. Lindsay;
- H. R. 16193. An act granting an increase of pension to Daniel Shrader;
- H. R. 16253. An act granting an increase of pension to Margaret A. Hope;
- H. R. 16255. An act granting an increase of pension to James S. Brand;
- H. R. 16267. An act granting a pension to Catharine Piper;
- H. R. 16284. An act granting an increase of pension to George Rogers;
- H. R. 16285. An act granting an increase of pension to Henry Johnson;
- H. R. 16295. An act granting an increase of pension to Laurence Foley;
- H. R. 16398. An act granting an increase of pension to David Ross;
- H. R. 16408. An act granting an increase of pension to William Hendricks;
- H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
- H. R. 16471. An act granting an increase of pension to North Ann Dorman;
- H. R. 16528. An act granting an increase of pension to Catharine Price;
- H. R. 16566. An act granting an increase of pension to Whitman V. White;
- H. R. 16586. An act granting an increase of pension to William Mattison;
- H. R. 16629. An act granting an increase of pension to Louis Stoeckig;
- H. R. 16630. An act granting an increase of pension to Philip Dumont;
- H. R. 16648. An act granting an increase of pension to Henry B. Teetor;
- H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
- H. R. 16704. An act granting a pension to Lucy C. Strout;
- H. R. 16749. An act granting an increase of pension to Henry A. Jones;
- H. R. 16751. An act granting an increase of pension to Samuel Hough;
- H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
- H. R. 16807. An act granting an increase of pension to Isabella Ellis;
- H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
- H. R. 16824. An act granting an increase of pension to James Waskom;
- H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
- H. R. 16994. An act granting an increase of pension to Harriet Payne;
- H. R. 17035. An act granting an increase of pension to Samuel Smith;
- H. R. 17072. An act granting an increase of pension to Joseph French;
- H. R. 17162. An act granting an increase of pension to Scott Ruddick;
- H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
- H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
- H. R. 17209. An act granting an increase of pension to Alva D. Smith;
- H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
- H. R. 17268. An act granting an increase of pension to Charles L. Westfall;
- H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
- H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
- H. R. 17373. An act granting an increase of pension to William T. Stott;
- H. R. 17387. An act granting an increase of pension to David F. Eakin;
- H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
- H. R. 17480. An act granting an increase of pension to Charles P. Lord;
- H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
- H. R. 17515. An act granting an increase of pension to John J. Elliott;
- H. R. 17526. An act granting an increase of pension to Richard Dunlap;
- H. R. 17548. An act granting a pension to David J. Bentley;
- H. R. 17557. An act granting an increase of pension to John W. Marshall;
- H. R. 17584. An act granting an increase of pension to James White;
- H. R. 17592. An act granting an increase of pension to Margaret Haynes;
- H. R. 17635. An act granting an increase of pension to George Willy;
- H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
- H. R. 17678. An act granting an increase of pension to Alexander Moore;
- H. R. 17711. An act granting an increase of pension to John Dietz;
- H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
- H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
- H. R. 17771. An act granting an increase of pension to Deloss Williams;
- H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
- H. R. 17788. An act granting a pension to Charles E. Benson;
- H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;
- H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
- H. R. 17806. An act granting an increase of pension to Enoch Boyle;
- H. R. 17826. An act granting a pension to Wincy A. Lindsey;
- H. R. 17830. An act granting an increase of pension to William R. Snell;
- H. R. 17843. An act granting an increase of pension to Samuel Watkins;
- H. R. 17855. An act granting an increase of pension to Harriett E. Miller;
- H. R. 17890. An act granting an increase of pension to J. T. Bandy;
- H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
- H. R. 17913. An act granting an increase of pension to Philo Green;
- H. R. 17921. An act granting an increase of pension to James Reppeto;
- H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
- H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
- H. R. 17950. An act granting an increase of pension to James W. Hager;
- H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
- H. R. 17971. An act granting an increase of pension to James G. Wall;
- H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;
- H. R. 17996. An act granting an increase of pension to Alonzo Wells;
- H. R. 18005. An act granting a pension to Emily Compton;
- H. R. 18006. An act granting an increase of pension to Martha J. Bass;
- H. R. 18019. An act granting an increase of pension to Milton A. Griffith;
- H. R. 18032. An act granting an increase of pension to Mary H. Scott;
- H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
- H. R. 18056. An act granting an increase of pension to Moses Davis;
- H. R. 18067. An act granting an increase of pension to Joseph Gulott;
- H. R. 18075. An act granting an increase of pension to Anna E. Kingston;

H. R. 18094. An act granting an increase of pension to William G. Melick;
 H. R. 18143. An act granting an increase of pension to James F. Brown;
 H. R. 18147. An act granting an increase of pension to Perry F. Belden;
 H. R. 18149. An act granting an increase of pension to S. Horace Perry;
 H. R. 18157. An act granting a pension to James J. Winkler;
 H. R. 18158. An act granting a pension to Isaac Cope;
 H. R. 18169. An act granting a pension to Margaret Stevens;
 H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
 H. R. 18188. An act granting an increase of pension to David B. Guthrie;
 H. R. 18235. An act granting a pension to Ida M. Warner;
 H. R. 18237. An act granting an increase of pension to Rachel Egeness;
 H. R. 18325. An act granting an increase of pension to John W. Schofield;
 H. R. 18393. An act granting an increase of pension to David F. Crouch;
 H. R. 18406. An act granting an increase of pension to Andrew Jackson;
 H. R. 18465. An act granting an increase of pension to Abby B. Cloud;
 H. R. 18506. An act granting an increase of pension to Mahala Jones; and
 H. R. 18709. An act making additional appropriations for the public service on account of earthquake and attending conflagration on the Pacific coast.
 Subsequently, the foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17757) extending to the support of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Providence Section, Council of Jewish Women, of Providence, R. I., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a memorial of the executive committee of the National Business League, of Chicago, Ill., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented the petition of George D. B. Prescott, of Concord, N. H., praying for the enactment of legislation to remove the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

He also presented the petition of W. V. Lewis, of Brookland, D. C., praying for the adoption of an amendment to the District of Columbia appropriation bill providing for grading and macadamizing Girard street, South Brookland, between Twelfth street and Brentwood road NE.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying that an appropriation of \$500 be made for marking places of historic interest in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. KEAN presented a memorial of the First Methodist Episcopal Church of Dover, N. J., remonstrating against any change being made in the management of the schools in the Territory of Alaska; which was referred to the Committee on Territories.

He also presented the petition of J. Herbert Plassall, of Westfield, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of Hoboken Lodge, No. 508, Brotherhood of Railroad Trainmen, of Hoboken; of the Brotherhood of Locomotive Engineers of Jersey City, and of Weehawken Lodge, No. 491, Brotherhood of Railroad Trainmen, of Weehawken, all in the State of New Jersey, praying for the

passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Pomona Grange, No. 1, Patrons of Husbandry, of Columbus, N. J., and a petition of Lincoln Grange, No. 136, Patrons of Husbandry, of Hillsdale, N. J., praying for the removal of the internal-revenue tax on denatured alcohol; which were referred to the Committee on Finance.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 5871) granting an increase of pension to William B. Ashton; which were referred to the Committee on Pensions.

Mr. LODGE presented a petition of sundry citizens of Webster, Danvers, Newton, Peabody, Lynn, Wakefield, North Brookfield, and Greenwich, Mass., and a petition of sundry citizens of Newton, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Centralville Methodist Episcopal Church, of Lowell, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Trade of Boston, Mass., praying for the enactment of legislation to remove the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the Society of Master House Painters and Decorators of Massachusetts, and a petition of Local Union No. 797, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Manchester, Mass., praying for the enactment of legislation to remove the duty on denatured alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Associated Charities of Fall River, Mass., and a petition of Local Lodge, Brotherhood of Railroad Trainmen, of Buffalo, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Somerville, Mass., remonstrating against the issuing of money orders on Sundays; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the congregation of the Warren Avenue Baptist Church, of Boston, and of sundry citizens of Hamilton, Newton Center, and Wenham Depot, all in the State of Massachusetts, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. McCREARY presented a petition of the legislature of Kentucky, praying for the adoption of an amendment to the Constitution to provide for an income tax; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

IN SENATE, January 24, 1906.

Be it resolved by the general assembly of the Commonwealth of Kentucky, That the Congress of the United States be requested to pass an act proposing an amendment to the Federal Constitution in substance as follows:

SEC. 1. Congress shall have power to levy a tax on incomes, gifts, and inheritances, regardless of the source from whence derived, except that no tax shall be levied or collected on the interest derived from municipal, State, or United States bonds.

SEC. 2. Small incomes, gifts, and inheritances may be exempted from said tax, which shall be uniform throughout the United States, and may be so graduated as to be at a higher rate on larger than on smaller incomes, gifts, and inheritances.

Adopted. Attest:

WM. CROMWELL,
Chief Clerk of Senate.

Mr. McCREARY presented a memorial of the legislature of Kentucky, praying for the passage of a river and harbor appropriation bill at each session of Congress; which was referred to the Committee on Commerce.

Mr. ELKINS presented the petition of D. E. Abbott & Co., of Huntington, W. Va., praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

He also presented a petition of Washington Camp, No. 7, Patriotic Order Sons of America, of Shenandoah Junction, W. Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. FILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13577) granting an increase of pension to Ellen M. Van Brunt;

A bill (H. R. 14504) granting an increase of pension to Aaron P. Seeley;

A bill (H. R. 12372) granting an increase of pension to J. Morgan Seabury;

A bill (H. R. 13575) granting a pension to Frances Bell;

A bill (H. R. 13140) granting an increase of pension to Jesse W. Howe;

A bill (H. R. 12588) granting an increase of pension to Joseph B. Dickinson;

A bill (H. R. 12180) granting an increase of pension to Charles H. Dunning; and

A bill (H. R. 12160) granting an increase of pension to Josephine D. McNary.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16174) granting an increase of pension to John Williamson;

A bill (H. R. 15355) granting an increase of pension to George M. Dailey;

A bill (H. R. 15495) granting an increase of pension to Job B. Sanderson;

A bill (H. R. 16606) granting an increase of pension to James A. Duff;

A bill (H. R. 16806) granting an increase of pension to Henry Brenizer;

A bill (H. R. 16547) granting an increase of pension to John Rutter;

A bill (H. R. 16165) granting an increase of pension to Morris Smith;

A bill (H. R. 15943) granting an increase of pension to William D. Jones; and

A bill (H. R. 15925) granting an increase of pension to Abraham Walker.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14660) granting an increase of pension to Daniel M. Philbrook;

A bill (H. R. 12653) granting a pension to Sarah Adams;

A bill (H. R. 15932) granting an increase of pension to Hartley B. Cox;

A bill (H. R. 15233) granting an increase of pension to William G. Westover;

A bill (H. R. 15418) granting an increase of pension to Samuel P. Sargent;

A bill (H. R. 16887) granting an increase of pension to Darwin Johnson;

A bill (H. R. 16996) granting an increase of pension to Joseph Delisle; and

A bill (H. R. 16173) granting a pension to Sarah Smith.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16765) granting an increase of pension to Angus Campbell;

A bill (H. R. 16681) granting a pension to Gustave Bergen;

A bill (H. R. 16627) granting a pension to Delilah Moore;

A bill (H. R. 16622) granting an increase of pension to James Webb;

A bill (H. R. 16516) granting an increase of pension to James B. Fairchild;

A bill (H. R. 16491) granting an increase of pension to Lewis Denson;

A bill (H. R. 16429) granting an increase of pension to Caroline M. Peirce;

A bill (H. R. 15147) granting an increase of pension to Joseph B. Teas;

A bill (H. R. 16335) granting an increase of pension to John A. Bryan;

A bill (H. R. 16279) granting an increase of pension to Edward E. Elliott;

A bill (H. R. 15566) granting an increase of pension to Andrew F. Kreger;

A bill (H. R. 15539) granting an increase of pension to John McConnell;

A bill (H. R. 15490) granting a pension to Mary E. Darcy;

A bill (H. R. 15459) granting an increase of pension to Drucillar A. Massey; and

A bill (H. R. 15229) granting an increase of pension to Edwin Howes.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15762) granting an increase of pension to Harmon Freeman, alias Harmon Storme;

A bill (H. R. 16390) granting a pension to Katharine Partidge;

A bill (H. R. 16400) granting an increase of pension to James McCracken;

A bill (H. R. 16427) granting an increase of pension to William W. Carter;

A bill (H. R. 16535) granting an increase of pension to Jonathan I. Wright;

A bill (H. R. 16536) granting an increase of pension to Cyrus S. Case;

A bill (H. R. 16991) granting an increase of pension to Stephen Vaught;

A bill (H. R. 15614) granting an increase of pension to Clark Cornett;

A bill (H. R. 15641) granting an increase of pension to Eli Woodbury;

A bill (H. R. 6578) granting an increase of pension to James B. McWhorter;

A bill (H. R. 15102) granting an increase of pension to William H. Ryckman;

A bill (H. R. 15592) granting an increase of pension to Levi H. Townsend; and

A bill (H. R. 15761) granting an increase of pension to Lafayette North.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 360) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., in trust for the Catholic congregation of Pensacola, Fla., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5418) relinquishing the title of the United States to certain land in the city of Pensacola, Fla., to James Wilkins, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 5946) to increase the allowance of commutation of quarters to officers of the Army in certain cases; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 5947) to provide for the purchase of a site for a public park in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5948) granting an increase of pension to Samuel B. Rice; and

A bill (S. 5949) granting an increase of pension to George F. White.

Mr. ELKINS introduced a bill (S. 5950) granting an increase of pension to Wade H. Powers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to increase the salary of the Public Printer from \$4,500 to \$6,500 per annum, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$600 to pay J. F. Siebert, Parker Williams, and William McCaffery for extra services rendered to the Committee on Interstate Commerce, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BUILDINGS FOR DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE AND LABOR.

Mr. WETMORE. I ask unanimous consent to call up the bill (S. 5773) to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and appropriates \$3,000,000 to pay for the land so acquired and toward the erection of one or two buildings thereon.

The bill further creates a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, to report to

Congress preliminary plans and an estimate of cost for one or two buildings to be erected on the site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, the preliminary plans and estimate of cost to be paid for out of the appropriation therein made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 13245. An act to correct the military record of Henry Gude was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, was read twice by its title, and referred to the Committee on Naval Affairs.

H. R. 18709. An act making additional appropriations for the public service on account of earthquake and attending conflagration on the Pacific coast was read twice by its title, and referred to the Committee on Appropriations.

MISSOURI RIVER BRIDGE.

Mr. CLAPP obtained the floor.

Mr. WARNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. CLAPP. I yield to the Senator.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 5796) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause, and insert:

That the Kansas City, St. Joseph and Excelsior Springs Railway Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct a railroad, wagon, and foot bridge and approaches thereto across the Missouri River at a point on the north boundary line of Kansas City, Mo., to a point opposite the said Kansas City, Mo., on the north side of said river, in Clay County, in the State of Missouri, said bridge to be so placed as to be erected between what is known as Delaware street and Lydia avenue, in Kansas City, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. BURROWS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Michigan?

Mr. CLAPP. I yield to the Senator.

Mr. BURROWS. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 5530) authorizing the procuring of additional land for the enlargement of the site for the public building at Kalamazoo, Mich.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, additional land for the enlargement of the site of the Federal building in the city of Kalamazoo, Mich., for the purpose of affording means for the future enlargement of the building to meet the necessities of the public business, and appropriates \$12,000 for such additional land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN-BUILT DREDGES.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 395) concerning foreign-built dredges.

The VICE-PRESIDENT. The Chair would invite the attention of the Senator from Washington [Mr. PILES], who filed a memorandum concerning this bill with the Secretary.

Mr. GALLINGER. The Senator from Washington [Mr. PILES] has withdrawn his objection to the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the

Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with an amendment, to strike out the proviso after the words "United States," in line 5, in the following words:

Provided, That this act shall not apply to any foreign-built dredges now at work under contract in the waters of the United States.

And to insert the following:

SEC. 2. That the Commissioner of Navigation is hereby authorized and directed to document as vessels of the United States the foreign-built dredges Holm, Leviathan, Nereus, and Triton, owned by American citizens and now employed at Galveston, and the dredge Sea Lion, now under construction abroad for use at Galveston, on which an American citizen, the contractor at Galveston, has an option.

So as to make the bill read:

Be it enacted, etc., That a foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States.

SEC. 2. That the Commissioner of Navigation is hereby, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 15331, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

Mr. FORAKER. I should like to inquire of the Senator from Minnesota how much longer the consideration of this bill will perhaps require?

Mr. CLAPP. It ought to take perhaps half an hour, or it may be an hour.

Mr. FORAKER. Then we will get through with it soon.

Mr. CLAPP. On page 14, line 20, in the appropriation for purchase of Indian supplies, I move to strike out "\$60,000" and to insert the word "and;" in line 21 to change the capital "F" in "For" to a small letter "f;" in line 23 to strike out "\$200,000" and insert "\$230,000;" and to add, after the word "dollars," "and warehouses for the receipt, storage, and shipping of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco."

The amendment was agreed to.

Mr. CLAPP. I move to strike out the first five lines on page 71, in the following words:

MISSOURI.

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, \$10,000.

Mr. WARNER. I hope the chairman of the committee will not insist upon that amendment.

Mr. LODGE. A general provision has just been adopted covering everything.

Mr. CLAPP. The necessity for this clause has been obviated by the provision for all warehouses in the one item of \$230,000. In that item St. Louis is designated as one of the warehouse towns.

Mr. WARNER. It is already designated?

Mr. CLAPP. Yes; and we do the same with Omaha, and the same with San Francisco.

Mr. WARNER. That is satisfactory. I did not understand it.

The amendment was agreed to.

Mr. CLAPP. On page 24 I move to strike out the clause beginning in line 8, in the following words:

To maintain at the city of San Francisco, Cal., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, \$10,000.

The amendment was agreed to.

Mr. CLAPP. At the top of page 86, I move to strike out all down to and including line 4, in the following words:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary, a warehouse for the receipt, storage, and shipping of goods for the Indian service, \$10,000.

The amendment was agreed to.

Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. CLAPP. With pleasure.

Mr. DUBOIS. I desire to offer an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "patented," in line 6, page 156, insert:

To enable the Commissioner of Indian Affairs to pay in behalf of Ann Francis, a Chippewa Indian woman, and lineal descendant of Bow-Kow-Ton-den, for printing record in the case of Francis v. Francis, now pending in the Supreme Court, involving her title to land claimed under treaty and patent, and such briefs as may be necessary therein, \$175, or as much thereof as may be necessary.

The amendment was agreed to.

Mr. CARTER. I offer an amendment to come in on page 84. This amendment is offered for and in behalf of my colleague [Mr. CLARK of Montana], a member of the committee, who is unavoidably absent to-day.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. After line 20, page 84, insert:

FLATHEAD RESERVATION.

That the act of April 23, 1904 (33 Stat. L., p. 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of the act of March 3, 1905 (33 Stat. L., p. 1048), be amended by adding the following sections:

"Sec. 17. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than 40 acres of said land at or near each of the present settlements of Arlee, Dayton, Ravalli, Dixon, and Ronan, and not less than 80 acres at the present settlements of St. Ignatius and Polson, and at such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements.

"Such town sites shall be surveyed, appraised, and disposed of as provided in section 2381 of the United States Revised Statutes: *Provided*, That any person who, at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lots to the date of his or her application to enter, shall be entitled to enter, at any time prior to the day fixed for the public sale and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots the applicant shall make proof, to the satisfaction of the register and receiver of the land district in which the land lies, of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order, with the other unimproved and unoccupied lots. That no lot shall be sold for less than \$10: *And provided further*, That said lots, when surveyed, shall approximate 50 by 150 feet in size.

"Sec. 18. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside 160 acres of land at and surrounding the present hot springs, situated on said reservation near the settlement of Camas.

"That said hot springs and the said 160 acres of land last mentioned shall be under the control and direction of the Secretary of the Interior, under such rules and regulations as he may prescribe, but any and all moneys that shall be derived from such use shall be for the benefit of the persons holding tribal relations with said tribes of Indians, the same to be disbursed as provided in section 13 of this act.

"Sec. 19. That nothing in this act shall be construed to deprive any of said Indians or said persons or corporations, to whom the use of land is granted by the act, of the use of water appropriated and used by them for the necessary irrigation of their lands or for domestic use or any ditches, dams, flumes, reservoirs constructed and used by them in the appropriation and use of said water.

"Sec. 20. That there is hereby appropriated, for the survey, appraisal, and sale of said town sites, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, or so much thereof as may be necessary, the same to be reimbursable out of the funds arising from the sale of said lands: *Provided*, That the persons employed or detailed under this appropriation shall be allowed therefrom while on duty a per diem in lieu of subsistence at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares."

Mr. CARTER. Mr. President, I feel that an explanation of the amendment is due the Senate somewhat lengthy. In the nature of things, at this late hour in the pendency of the bill, Senators can not be expected to read the amendment and inquire into it, and this consideration causes me to do it.

A bill passed the House, known as H. R. 8461, and subsequently passed the Senate, relating to the subject-matter embraced in this amendment. That bill was amended in the Senate and a conference called for.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. The subject-matter of the amendment was considered in the Senator's committee in the bill which came from the House and was afterwards reported by the Committee on Indian Affairs of the Senate.

Mr. CARTER. It was considered in the committee of my colleague, the Committee on Indian Affairs. I am not a member of that committee. It was regularly considered. The bill, however, as it passed the House and the Senate is not identical with the amendment I have offered. The amendment I offer is the bill as finally prepared by the conferees after consultation with the General Land Office and the Commissioner of Indian Affairs.

Mr. HALE. I think the Senator will see that this is embodying in an appropriation bill a whole statute with many sections. I do not think it ought to be done unless some committee has given it thorough examination and approves of it as a result of the investigation.

Mr. CARTER. This amendment has been approved by the committee of the other body, likewise by a committee of the Senate, and the bureaus having to deal with the subject-matter. I will briefly state to the Senator the purpose to be subserved by the amendment.

In 1904 an act was passed opening the Flathead Indian Reservation to settlement. By the terms of that act no provision whatever was made for laying out town sites. It has become obvious to the Department that the Indians should be given the benefit of the sale of town lots within the area to be opened. That will add very materially to the amount they are to receive for the lands. The bill passed by the House and subsequently by the Senate contemplated the accomplishment of this beneficent purpose. The bill further provided, in conformity with the wishes of the Indians, that a hot springs or a series of hot springs, which have been visited by these Indians from time immemorial, should be set apart as a public reservation for their use in the future, to be subject to the control of the Secretary of the Interior. That was overlooked in the original bill, as was the town-site feature covered by this amendment. It will add greatly to the revenue to be derived by the Indians from the sale of their lands and will secure to them in perpetuity the hot springs reservation, embracing, I believe, 160 acres.

The difficulty with the bill in conference rests in this, to wit, that a mistake was discovered in the title of the bill, a mistake manifestly due to a misprint. If it were not for this mistake the conferees on the part of the Senate and the House would to-day report an agreement upon the amendment I have suggested, and the bill would be passed as a separate and independent proposition. But in printing the title of the original bill, which is now in conference, the word "chapter" was unfortunately used in referring to the Revised Statutes rather than the word "section." This requires an amendment to the title, which renders the bill emanating from the conference committee with an amendment of the title subject to a point of order in the House. The conferees, realizing this parliamentary difficulty, unanimously requested that the bill upon which they had agreed, which had in substance passed both Houses, should be presented as an amendment to this appropriation bill, and the amendment is offered only for the purpose of overcoming a parliamentary difficulty relating to a subject-matter on which all are agreed, on which the conference stands in agreement, and to which the Commissioner of Indian Affairs and the Commissioner of the General Land Office likewise agree.

Mr. LODGE. May I ask the Senator a question?

Mr. CARTER. Certainly.

Mr. LODGE. I have no doubt the Senator stated it, but I did not catch it. Why was not the conference report adopted?

Mr. CARTER. The conference report was arranged, all the conferees agreeing to it, both on the part of the Senate and the House. The difficulty rested in the necessity of amending the title to the bill, which would render it of necessity obnoxious to an inflexible rule of the House. It would compel the conferees to bring back one bill to that body when they had received another. That is the difficulty in which they find themselves. I think the amendment is a beneficent and proper one. All the parties agreed that it should be adopted, and I trust it will be.

The amendment was agreed to.

Mr. WARNER. I offer an amendment to the amendment of the committee, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri to the committee amendment will be stated.

The SECRETARY. On page 48, after line 24, it is proposed to amend the amendment of the committee by inserting the following:

That the following-described area in the Indian Territory shall constitute a new recording district, which shall be known as recording district No. 32: Beginning where the west line of range 17, east of the Indian meridian, intersects the north bank of Red River; thence

north to the south line of township 5 south; thence west to the west line of range 16 east; thence north to the south line of township 4 south; thence west to the west line of range 15 east; thence north to the south line of township 3 south; thence west to the west line of range 12 east; thence south to the north bank of Red River; thence easterly along said north bank to the point of beginning; and terms of the district court of the central judicial district of said Indian Territory and a commissioners' court shall hereafter be held at the town of Boswell, and all laws applicable to and regulating the courts of the Indian Territory shall be applicable to the courts hereby created.

Mr. KEAN. Mr. President, is this simply another new recording district in the Indian Territory?

The VICE-PRESIDENT. The Chair so understands.

Mr. KEAN. I understand that there are nine already now in this bill, which have been put on here, and I do not know where it is going to end.

Mr. CLAPP. Everyone concedes, I think, that these districts should be materially reduced. We desire that the matter shall go into conference, where we may have a better opportunity to consider the propriety of their establishment with reference to the needs of the entire Territory. It seems to me the matter of reducing these districts down to a reasonable number requires some attention.

Mr. KEAN. I will say to the Senator from Minnesota that I hope before Congress adjourns we are going to admit Oklahoma and the Indian Territory to statehood.

Mr. CLAPP. I hope so, too.

Mr. KEAN. And I do not want to divide up all the political plums here, and not leave a few for the people of the Indian Territory and the State of Oklahoma to themselves divide.

Mr. WARNER. This will not interfere with the new States which are to come in at this session of Congress.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri [Mr. WARNER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The first amendment which was passed over, on page 7, will be stated.

Mr. CLAPP. Before that is taken up I wish to inquire of the Senator from Missouri [Mr. WARNER] whether another amendment should not come in there?

Mr. WARNER. The Senator from Colorado [Mr. TELLER] has another amendment to offer.

Mr. CLAPP. Then I desire the attention of the Senator from Colorado [Mr. TELLER]. I should like to complete the individual amendments before we take up the amendments of the committee which were passed over.

Mr. TELLER. I desire to offer an amendment, to come in with the other court amendments. I have no personal knowledge of the necessity for this amendment; but it has been handed to me, and I offer it so that it may go into the bill now, and the subject can be considered in the conference committee, who will be able to determine what is the proper thing to be done in relation to court matters.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. Where the other court provisions are inserted in the bill, it is proposed to insert the following:

That, in addition to the places now provided by law for holding courts in the Indian Territory, terms of court shall hereafter be held at Madill; and the judge of the judicial district in which said Madill is situated shall, until further provision of law, prescribe the area and number of the district and the times and number of terms of court to be held at said Madill.

Mr. ALLISON. I hope the Senator from Colorado will find a place in the bill for his amendment, so that we may know where it is to come in. I understood from the reading at the Secretary's desk that there was no place in the bill designated for the amendment, and I think there ought to be such a designation.

Mr. TELLER. I asked that the amendment be inserted in connection with the other court provisions.

Mr. ALLISON. Have other provisions been inserted in the bill in regard to courts?

Mr. TELLER. Yes. I will say that I have no personal knowledge of the amendment. It was simply handed to me by people who, I think, know something about it, and who have asked that it be inserted in the bill.

There is a good deal of difference of opinion as to where these courts ought to be held. I thought when we should get them before the conference committee, the committee would probably be able to select and retain such of them as ought to be in the bill and eliminate the others. It is utterly impossible for us to do that here in the Senate. For that reason I offered the amendment. I should like to have it come in on page 48, after the word "established," at the end of line 3.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Colorado to the amendment of

the committee, which has been read, to come in on page 48, in line 3.

The amendment to the amendment was agreed to.

Mr. TELLER. Turning to page 53, I move to strike out all the amendment of the committee beginning in line 19 and going down to and including line 13, on page 54, and then to insert in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Colorado to the amendment of the committee will be stated.

The SECRETARY. In lieu of the amendment reported by the Committee on Indian Affairs, which has been passed over, from line 19, on page 53, to line 13, on page 54, it is proposed to insert:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Peter P. Pitchlynn, deceased, and to render judgment thereon in such amounts as may appear to be equitably due. Said judgments, if any, in favor of the heirs of Pitchlynn shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation; said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the governor of the Choctaw Nation, and the Attorney-General of the United States shall appear and defend in said suit on behalf of said nation.

Mr. TELLER. Mr. President, the part stricken out deals with three different claims. I desire to eliminate two of those claims from this bill, because it seems that those two claims are to be contested. I do not believe at this time that we want to go into any controversy about them. The Pitchlynn claim is an old claim which has been repeatedly before Congress. The others seem to be comparatively new. I do not know anything about them, but I do know something about the Pitchlynn claim. I think it is a valid claim which the Pitchlynn heirs have, and they ought to be permitted to go into court; but as to the others I have no personal knowledge whatever. For that reason, rather than to have a controversy over the matter, I thought it better to eliminate the other two claims from the amendment reported by the committee, and let them go over until another session, when the matter can be presented more in detail.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TILLMAN. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 16, it is proposed to insert the following:

Amend the act approved April 27, 1906, "to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," by striking out the following words in section 9:

"The disbursements, in the sum of \$186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him."

Mr. McCUMBER. I do not understand whether the amendment of the Senator proposes to strike out something already in the bill or merely to insert what has been read.

Mr. TILLMAN. It strikes out a provision in the bill which was approved yesterday and which passed the Senate about two weeks ago, in relation to suspension of suits, forbidding suits against Brown and Jenkins. The Senator from North Dakota will recall that there was considerable debate here, almost running a whole afternoon, on that controversy.

Mr. McCUMBER. I recall the occasion.

Mr. TILLMAN. I find that the bill to which I refer, although it only became a law yesterday, is already being amended on this appropriation bill, and I thought I would try to have it amended by striking out this provision, to which I objected when the bill was in conference.

Mr. McCUMBER. I understand.

Mr. TILLMAN. It is about the Brown business. I am proposing to amend the bill which we passed here about two weeks ago, and which was approved yesterday, in reference to the Five Civilized Tribes, by striking out of that bill, which is now a law, the provision validating the acts of Brown and Jenkins. That is all.

Mr. SPOONER. Will the Senator from South Carolina be kind enough to explain the object of his amendment?

Mr. TILLMAN. I thought the Senator was fully aware of the nature of the case, because he debated it here and he

objected, as well as I did, to the action of the Senate in undertaking to stop these lawsuits.

Mr. SPOONER. I thought that was stricken out.

Mr. TILLMAN. No; the Senate did not strike it out, because we did not get hold of it before it got into conference, and then we were blocked by the parliamentary situation. The House conferees insisted on the Senate amendment, and, therefore, it remained in the bill; but as we are already amending that bill, which has now become a law, I thought I would propose to amend it further by striking that out of it. That is the purpose of my amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Carolina [Mr. TILLMAN].

The amendment was agreed to.

Mr. McCUMBER. I wish to offer an amendment on page 7, by striking out from line 19, down to and including the word "Provided," in line 2, on page 8. I wish to move to disagree to that portion of the amendment of the committee. I ask the Secretary to read the portion which I propose to strike out.

The SECRETARY. On page 7, in the amendment of the Committee on Indian Affairs, which was passed over, it is proposed to strike out, beginning in line 19, the following:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons, and that he be further directed to cause to be paid immediately upon collection, all moneys due Indian allottees or their heirs as the proceeds of leases upon individual allotments: *Provided.*

The VICE-PRESIDENT. The question is on agreeing to that portion of the amendment of the committee which has been read. Without objection, it will be regarded as disagreed to.

Mr. CLAPP. I think the other morning, on the motion of the Senator from Wisconsin, we reconsidered the votes by which those two committee amendments were agreed, and now they are both open.

Mr. McCUMBER. I only wish to strike out a portion of the committee amendment. If it is passed over, I do not care to make any remarks on it, but if the Senator wishes an explanation of my amendment I can give it.

Mr. CLAPP. I certainly do, because I am opposed to the motion to strike out.

The VICE-PRESIDENT. The Chair understood the amendment of the Senator was to strike out the entire committee amendment.

Mr. McCUMBER. Only a portion of it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the amendment of the committee.

Mr. CLAPP. That amendment is objected to.

Mr. SPOONER. What amendment is that?

The VICE-PRESIDENT. Striking out on page 7, beginning with line 19, all of the committee amendment down to and including the word "Provided," in line 2, on page 8.

Mr. CLAPP. I would ask the Senator from North Dakota if we can not pass this amendment over for a few moments until we complete the amendments which will not give rise to any debate, because that proposition and the one preceding it will be the subject of some debate?

Mr. McCUMBER. I do not think that probably the portion of the committee amendment I move to strike out will give rise to any great debate. I will detain the Senate only for a short time. I merely wish to explain why I have moved to strike out those particular words.

Mr. President, the law as it now exists provides for the sale of inherited lands of deceased allottees. Under the provision for the sale of such lands the Secretary of the Interior may prescribe such rules as he may deem for the best interest of the heirs or owners not only in reference to the sale, but also in reference, as I understand, to the moneys received from that sale.

Under the present ruling the money which is paid for the sale of the land is required to be deposited in some local bank, and, instead of paying the same out to the heir immediately, many of the heirs being minors, the Secretary of the Interior requires that the heir shall not draw more than \$10 a month. So the money is in the bank subject to the check of the persons for whose benefit it is deposited not to exceed the sum of \$10 per month.

There are two classes of persons who are at these reservations, or near them, who are extremely interested in the Indian and in the funds. The local banks that desire to retain these funds and to use them are necessarily interested in the retention of the funds, although the letters which I have from the banks indicate that their solicitude is entirely for the Indians. I have letters

also from the traders, who are equally solicitous for the welfare of the Indians and the minors, complaining bitterly of this ruling. So we have the two friends of the Indian there looking after his interests, one of them insisting that the money should remain in the bank for the benefit of the Indian, so that he may receive it gradually and not all at one time; the other insisting that it should be paid to the Indian immediately in bulk, so that the Indian can go to the traders and get rid of it in bulk, and not require a year or several years to make the transfer.

As between these two friends of the Indians, the question is which one, if either, we had better favor. Following my usual method in trying to protect the Indian, I have always insisted that the longer you can keep the funds from the Indian the better it is for him. Therefore, while without question the trader or some one else will get the money just as soon as the Indian gets hold of it, I think it will be probably better for the Indian, although I am willing to admit it will also be better for the bank, that he be not allowed to take this money all at one time and get rid of it all at one time.

I have read over the report upon this subject. It appears from the report that a claim is made that the Indian does nothing but wait until the next pay day the following month before he will go to work, waiting for this \$10 to come to him. On the other hand, if he gets his money all in bulk, he will be waiting then until the next pay day from the Government to support the Indian. It seems to me that the excuse that is made for this would not appeal to the judgment of the ordinary individual. I can see no real benefit in it. I can not agree entirely with the statement that is made in the report, which will be found on page 6 of Report No. 2561. Here is an explanation that to me does not explain. It is stated:

In many cases the heirs are minors—

That is true, probably, in most cases—

and the deeds have been executed by guardians appointed in the probate courts where the land is located. Bonds have been given, and the courts are now calling upon the guardian for report and settlement. The guardian is unable to report other than the fact of the sale and the amount for which it sold. He has not the money, and yet is liable for it on his bond.

I can hardly understand how the guardian can become liable on his bond for property which has never come into his possession. If the Department has a right to sell these lands and has a right to determine what shall be done with the funds, the funds, being under the superior guardianship of the Department, certainly are not subject to the local law of guardianship of the county wherein those lands are situated.

Mr. CLAPP. Will the Senator pardon an interruption?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly I yield to an interruption and an explanation.

Mr. CLAPP. On the Senator's statement there could be but one answer to his question; but the difficulty is that back of all this lies a law, which, as to all past allotments, provides that the heirs shall take their estates under the law of the State or Territory in which the allotment is situated.

Mr. McCUMBER. And subject to their laws?

Mr. CLAPP. And subject to their laws. There is one class of individuals that the Senator has omitted in this gathering and aggregation of the interested parties, and that is the attorneys in the localities. Already three suits are pending, one either in the Senator's State or in South Dakota—I forget which—one in Wisconsin, and one in Minnesota, to compel the payment of this money under that law. I undertake to say that in those suits, in my judgment, a mistake has been made in the party defendant. When they get the right party defendant they will recover the money.

We have passed a bill—I think it was day before yesterday—to cure that, so far as we can legally cure it, by providing that in future allotments not only the allottee will not become a citizen until he gets his final patent, but if he dies in the interim the allotment, instead of vesting under the State law in the heirs, reverts in the Government, to be distributed by the Government to the heirs.

There is no question of the legality, although I doubt the wisdom somewhat of that provision. But as to these past allotments, they were made under a law in accordance with the provisions of which the heirs take under the State law. I do not believe that it is within the power of Congress to interfere with their estates, and, without meaning any reflection on the Department, but speaking purely from the standpoint of a legal proposition, I do not believe the Department has any more control over the funds derived from the sale of the lands of deceased allottees than it would have over the property of the children of the Senator in case he should pass away.

There is no use in talking. We can have all the sentiment we want in this matter; but in years gone by we passed legislation that fixed certain rights, and to undertake to take those rights away under the plea of friendship for the Indian would simply entail upon the Indian the expense of additional legislation.

In this very bill we have stricken out in clause after clause one word that will cost hundreds of allottees from one to five hundred dollars each, and all in the name of the Indians. That is where we have stricken out the word "corrected," where we undertake to remove restrictions as to individual allottees. Every one of those individual allottees will be made to believe by some attorney that he has influence and ability, and that it is only through his influence and his ability that the allottee can get those restrictions removed; and the Indian will have to pay a fee of from one to five hundred dollars. The amendment was made from the best motive probably, and I would not question the motive of the Senator who offered that amendment.

Mr. TELLER. And they will get the restrictions removed, too.

Mr. CLAPP. Yes; they will get them removed.

Mr. TELLER. And the Indian will pay for it.

Mr. CLAPP. And the Indian will pay for it.

Mr. McCUMBER. It is not a question of the removal of restrictions,

Mr. CLAPP. No; but it is a question of interfering with property which we placed in the control of the State.

Under existing law the allottee becomes a citizen of the United States when he takes his allotment as absolutely as any member of this Senate, save and except that, as to the land which is distributed to him, the Government retains a restriction against alienation. That may be good and it may not be, but, independent of that one limitation, the Indian takes his property absolutely and his heirs take their property under the State law.

So far as I am concerned, I would not give a fig one way or the other whether that language remains in the bill or not. If it is stricken out it can not effect their rights, but if it remains there it may enable the heirs to have the money paid them under the law, instead of having to squander what little they have as heirs in paying for legal services and fees for attorneys.

I know, Mr. President, that sentiment is invoked in this matter. I know that it is not perhaps a desirable thing to state these facts as they are; but why should we allow our sentiment for the Indians—a misguided sentiment, so far as the solution of legal problems that have arisen in regard to proper legislation is concerned—to cause us to impose upon those people an unnecessary burden and expense?

Mr. McCUMBER. According to the position of the Senator, the ruling of the Department requiring this money to be placed on deposit and to be paid out \$10 per month only is absolutely illegal and erroneous, and no one is bound to follow it.

Mr. CLAPP. No—

Mr. McCUMBER. If that is true, if it has no binding effect whatever, then why should we by a special law declare that the Secretary of the Interior shall have no power to have the funds kept in the banks, and provide otherwise? In other words, if the matter is under the control absolutely of the State law, then there should be no Government law attempting to interfere.

Mr. CLAPP. Mr. President, this provision does not interfere, and that is why I say I do not care whether it is left in the bill or taken out, so far as I am concerned. It amounts to this: That instead of the Indian heir being told by the attorney and by the Indian agent, "You can not get your money without a lawsuit," he will be able to get it. They are watching these things; they will know of the passage of this law; and with this law staring the Department in the face we will cease to hold the authority over this money that, in my humble judgment, and I believe in the judgment of the Senator from North Dakota, they have no right to hold. The suits are pending now. More suits will be brought. It is true in one or two suits the plaintiff failed, because he made the wrong party defendant, but they will get the right defendant in time, and when they do they will get this money.

Now, why cloud the title to this money by an attempted restriction that confessedly we can not impose? If it were possible to-day to go back to the legislation, I think, of 1887, and change that legislation I would not combat it seriously, although I would doubt the wisdom of it, perhaps. But we can not do that. That is gone. Why should we embarrass the title to this property by a legislative declaration, which has no effect on earth except to make the heir part with some of his money in attorneys' fees in order to get what is due him?

Mr. McCUMBER. Let us apply this case. The law which is attempted to be inserted here is:

That when the land of deceased allottees has been sold under existing laws, the Secretary of the Interior be, and he hereby is, directed to immediately cause to be paid to the heirs of said deceased allottees any and all moneys on deposit due said heirs from the sale of said land of said deceased persons.

The present rule is to deposit it in the local bank to the credit of the Indian to whom it belongs. The money therefore is the money of the individual Indian, subject to his check.

Mr. CLAPP. Not at all, Mr. President.

Mr. McCUMBER. How is that?

Mr. CLAPP. The Senator is mistaken about that. It is deposited in some way. These Indians have attorneys in the first instance. That could not be done. But in some way, when the sale is made, the money is deposited in bank, subject to the check of the guardian, to be countersigned—

Mr. McCUMBER. Guardian, where there is a minor, of course.

Mr. CLAPP. Yes. The check has to be countersigned by the agent. That is the situation.

Mr. McCUMBER. Yes. Suppose we are dealing either with minors or with those who are not minors. The money is deposited in the local bank. There is where it is deposited under the present law. We will take the case at Sisseton, in South Dakota. It is deposited, say, at a bank in Sisseton, or a bank at Browns Valley. It is subject to be paid, under the present rules, at a certain amount per month and not above that. That money belongs to the claimant, and if that is true, instead of being placed under the necessity of hiring attorneys in every individual case, one case in that county in the State of South Dakota against the bank to gain possession of the whole sum at one time would determine all those cases.

If it is true that the Department has ceased all control of the Indian and over that property which he has inherited from the ancestor by reason of the allotment to the ancestor, it may be determined in that case—but I am very doubtful indeed if it will be determined, if we take into consideration the case of *The United States v. Rickert*—that the Department has entirely lost control over that Indian and his property by reason of declaring him to be a citizen of the United States and subject to all of the laws of the State or Territory in which he resides. That case originated from that identical point.

Under the law of 1887 it was declared that any allottee should from the date of the allotment become a citizen of the United States and subject to the protection of the laws of the State and subject to the jurisdiction of the laws of the State in which he resided. That was in 1887. The case of *The United States v. Rickert* was not decided until 1902. The county of Roberts, in South Dakota, sought to levy a tax upon the personal property as well as the real property and the improvements of an Indian allottee.

Mr. CLAPP. What was the personal property?

Mr. McCUMBER. The personal property consisted of horses, cattle, etc.

Mr. CLAPP. That the Government had given the Indians, and the court says it was put there by the Government for a purpose. That is why it could not be taxed.

Mr. McCUMBER. No; I have read that case—

Mr. CLAPP. Horses and cattle that the Government had bought for the Indian to develop the Indian.

Mr. McCUMBER. That does not reach the subject at all. If the Government gives me a horse or a cow, I being a citizen of the United States and subject to the laws of the State, the State can tax that horse and that cow no matter where the property comes from. The question is as to the character of citizenship, and if the Indian is a full-fledged citizen and fully under the law of the State wherein he resides and his property is subject to that law, then neither the United States nor any other authority can prevent the levying of a tax upon that property. The very fact that they do hold that the Government has given this property to the Indian for his protection and to secure such enlightenment on his part that he may fulfill the duties of citizenship, declaring it absolutely, and following that up with a declaration that they intend to protect that property during his period of tutelage, that he may become a citizen, indicates clearly that the court in deciding that case did not regard this property as subject to the laws of the State nor him fully a citizen in all respects, although the Government had lost its guardianship over him and would cease to protect him.

There is nothing in the case, as I recall, which shows that it was property that came directly from the United States. It was the personal property of the Indian. The case does not show whence it came. It might have been purchased with

Government money that was given to him, but it would not be the identical property. The decision of the court was that the Government still retained an interest in the individual Indian after his allotment was given and in the property necessary for his support. It placed it upon the ground that he was in a condition of tutelage during that time, even after the Government had granted him the right to vote and the right of citizenship. Otherwise their reasoning would fall to the ground—that the Government could protect his personal property and protect any other property as against taxation by the State wherein he resided—because the Government could not do that, as the Senator must admit, if it had made a grant of property to a white man.

I admit that the Government can protect any interest it may have in that real estate. In that instance the Government's interest in the real estate was not affected in any way. All it had to do was at the end of twenty years to issue its patent in fee for that land. No tax, no tax sale, no tax title could have been superior to the Government's right in that case. So it was directly interfered with. But even if we concede that proposition, we can not reason away the other proposition, that the personal property was the property of a citizen of the United States and subject to the laws of the State in which the allottee resided, and therefore was not taxable, if the Senator's position is absolutely true. I admit that I have been unable absolutely to harmonize that case with the Heff case.

Mr. CLAPP. I dislike very much to prolong this debate, but it comes to a question that seems to me is of great importance. I am glad the Senator has rested his contention in the Rickert case upon the assumed guardianship of the Government over the Indians, for if there is one contention the Supreme Court has absolutely repudiated it is that.

Mr. McCUMBER. That is, in the Heff case.

Mr. CLAPP. In the Heff case the Rickert case was cited by the Government in its brief and urged as a reason why the Government might exercise some sort of a supervision over the Indian after he became a citizen, and the court in commenting upon that says:

But the logic of this argument implies that the United States can never release itself from the obligation of guardianship; that so long as an individual is an Indian by descent, Congress, although it may have granted all the rights and privileges of national and therefore State citizenship, the benefits and burdens of the laws of the State, may at any time repudiate this action and reassume its guardianship, and prevent the Indian from enjoying the benefit of the laws of the State, and release him from obligations of obedience thereto. Can it be that because one has Indian, and only Indian, blood in his veins he is to be forever one of a special class over whom the General Government may in its discretion assume the rights of guardianship which it has once abandoned, and this whether the State or the individual himself consents? We think the reach to which this argument goes demonstrates that it is unsound.

Mr. McCUMBER. That is a case involving simply political rights?

Mr. CLAPP. Simply political rights, but in this case the Rickert case was urged as authority for the proposition that the Government in some way still has some guardianship over these Indians.

Mr. McCUMBER. And did not the court differentiate as between the political rights and the property rights of the Indian?

Mr. CLAPP. In this respect: In the Heff case the court said that there is a difference between those political rights which have come under this law and those cases where the Government, in granting land to an Indian, reserved a limitation upon the right of alienation. In the cases involved in this act there is no such principle. These allottees became citizens. Their heirs became entitled to all their rights under the State law, and to attempt now to repeal that is simply to impose upon them the burden and expense of useless litigation.

Mr. TELLER. Which you can not do.

Mr. CLAPP. Which you can not do.

Mr. McCUMBER. I am not attempting to repeal anything. I leave the law as it stands.

Mr. CLAPP. I shall not discuss it any further.

Mr. McCUMBER. If that is the law, under the act of 1887, then this provision seems to me absolutely unnecessary. If it is not the law, if there is any question about it, this leaves the Department still in control of the funds.

Mr. SPOONER obtained the floor.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. HALE. I rise to a parliamentary question. Has the point of order been made upon the amendment, that it is general legislation?

Mr. SPOONER. I was about to make it.

The VICE-PRESIDENT. No point of order has been interposed.

Mr. HALE. The Senator from Wisconsin rose for that purpose.

Mr. SPOONER (to Mr. HALE). Go on.

Mr. HALE. If I may be allowed to make a suggestion to the Senator in charge of the bill, he will never get his appropriation bill through unless he makes points of order where general legislation is involved. I do not know so much about the subject as does the Senator in charge, nor the Senator from Wisconsin; but to bring matters to a head, I was about to raise the point of order that it is general legislation. I have no doubt it is. I did not know but that the point had already been made.

Mr. CLAPP. No; it has not been.

Mr. TELLER. Mr. President, I have no question that three-quarters of all the legislation in the last fifteen years on Indian questions has been upon appropriation bills. While that may not be a reason, there is some reason why Senators who do not have anything to do with those questions and are not bothered with them might at least, I think, leave some of these things to those who are charged with that special duty.

There is no pleasure in serving on the Committee on Indian Affairs. It is the most disagreeable of all committee service in the Senate. It is the most difficult and troublesome and unsatisfactory of all duties that I have ever had put upon me. Somebody must do this work. The committee has been in session, I will venture to say, more than any other committee in the Senate during this session, coming here frequently at half past 9 o'clock in the morning and staying here until the Senate convenes, and then retiring for a meeting when we had an opportunity so to do. We have had before us the Commissioner, we have had the Secretary, we have had witnesses; and the committee have been trying to meet the present condition, which is different from any other condition that has ever existed in this country touching these people. We have been compelled to do some things that we would like not to have done, and yet we have been compelled to do them by an overpowering sense of necessity.

I think myself it is a bad plan, as a rule, to legislate upon an appropriation bill, and yet when we come to make provisions, as we have been doing in this bill, for the closing up of conditions existing between the Government and these people for the last forty or fifty years, it is utterly impossible for us to do it unless we do in some instances in settling these matters transcend the rule that no general legislation shall be put upon an appropriation bill.

Mr. President, this very question now presented may seem to Senators to be a matter of not very much importance. It is of vital importance. In the first place, in my judgment, the Department, without any authority of law whatever, have seized upon the moneys belonging to these Indians, who are to-day citizens of the United States; and they may be, and doubtless are, as incapable as it is said they are. But at no time in the history of this country has any man been heard here or anywhere else to assert that, because a citizen of the United States was incapable of discharging his duties to himself and his family as he ought to do, the Government of the United States had the right to become his guardian.

The Department, without any authority of law in my opinion, has put its hand upon the property of these men and has been paying them, under certain conditions, \$10 a month. You could not conceive of any plan that would quicker make a pauper of an Indian, or a white man either for that matter, than to have somebody doling out to him per month \$10, just enough out of his money to keep him alive; not enough to enable him to engage in business; not enough to enable him to become self-supporting; withholding from him that which belongs to him by law and by custom in this country.

It may be, Mr. President, that the amendment violates the rule, and it may be that the occasion does not justify it, but in my opinion if it ever was justified it is justified in this particular case and in half a dozen other cases where we have already transcended the rule ex necessitate, as a matter of duty.

Mr. President, I heard read here the other day a letter touching some question arising in Wisconsin. It was said that if the money that was to be paid out by a provision that had been inserted in the bill was paid out, those people would become paupers. I have not the slightest doubt that some of them would, but that is no reason why they should not be paid if they have ceased to be the wards of this nation. The Senator from North Dakota [Mr. McCUMBER] seems to think that the Indian is still a ward of the nation, although he is a citizen.

Mr. McCUMBER. I do not want to say more than that the case I have mentioned raises a question of doubt on that subject.

Mr. TELLER. It does not raise any question of doubt.

There can not be any question of doubt, upon principle; and if there were no decision whatever, there could be no question that this Government possesses no police power whatever in this matter. This Government has no right to act as a guardian for anybody except the Indian, when he is an Indian, not racially, but an Indian under the law.

The Heff case is as square and positive an enunciation of the doctrine for which I am contending as it is possible for the English language to make it, the decision being rendered by one of the clearest-headed men on the bench, and, I believe, without dissent.

Mr. President, I sympathize with every effort to help those who are down. I have learned—what I think we have all learned by observation, by experience, by history—that after all the way to make men men is to compel them to discharge the duties of manhood, to take them out of leading strings, to put them upon their own mettle, as the saying is. If these Indians will waste their substance, let them waste it, and when they have wasted it and when they do not get \$10 a month doled out to them, when no charity is given to them, they will go to work and they will cease to be paupers and vagabonds.

Mr. President, I believe that the provision we have put in here is a proper one. I understand there is a large amount of this money. I have seen the statement made by a man who claims to know that all told in the United States there are nearly \$2,000,000 held in this way. That may be an exaggeration; I do not know. Some of it will be wasted; all of it will not be wasted, and there is no principle which would justify us here in maintaining any control over it.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the point of order raised by the Senator from Maine go to all of the committee amendment beginning with line 19, page 7, and ending with line 10, on page 8?

Mr. HALE. It extends as far as the proviso.

Mr. McCUMBER. I understand it includes that which I asked to have stricken out.

The VICE-PRESIDENT. The Chair sustains the point of order, as the amendment clearly proposes general legislation.

Mr. SPOONER. To what part of this language does the ruling of the Chair apply—the whole of it?

The VICE-PRESIDENT. To that part which was challenged by the point of order.

Mr. SPOONER. The whole of it. I raise the same point of order against the portion of the amendment at the top of page 7, extending down to line 19.

The VICE-PRESIDENT. The Chair sustains the point of order raised by the Senator from Wisconsin.

Mr. CLAPP. On page 14, line 23, I move to insert "\$290,000." I think it was fixed this morning at \$260,000.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. On page 14, line 23, it is proposed to strike out "thirty" and insert in lieu thereof "ninety."

Mr. PERKINS. I should like to have the amendment now read as it will read if amended.

The VICE-PRESIDENT. The amendment as proposed to be amended will be read by the Secretary.

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service, including inspection and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, and all other expenses connected therewith, and for telegraphing and telephoning, and for transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, \$290,000; and warehouses for the receipt, storage, and shipping of goods for the Indian service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair will say that the portion of the amendment of the committee on page 8 is agreed to. That was passed over.

Mr. LODGE. What remains after the word "Provided?"

The VICE-PRESIDENT. What remains after the part excluded by the objection.

Mr. CLAPP. Is that subject to a point of order?

The VICE-PRESIDENT. No point of order has been made against it. Without objection, it is agreed to.

Mr. CLAPP. I understand that the Senator from Kansas [Mr. LONG] has an amendment to offer, and also the junior Senator from Wisconsin [Mr. LA FOLLETTE].

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Minnesota to line 7 on page 44, where a blank is to be filled by inserting the words "April 26." Without objection, that amendment will be agreed to. Two amendments were added on the same page, one by the Senator from

South Carolina [Mr. TILLMAN], which reads "April 27." That should be changed to "April 26."

Mr. CLAPP. That is right; it should be "April 26."

The VICE-PRESIDENT. Without objection, it is agreed to. The Senator from Wyoming [Mr. CLARK] also offered an amendment in which the same words, "April 26," should be inserted. Without objection, it is agreed to.

Mr. CLAPP. I understand the junior Senator from Wisconsin has an amendment that he desires to offer.

Mr. LA FOLLETTE. I should like to offer an amendment to come in after line 21, page 162.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. After the amendment already adopted, line 21, on page 162, it is proposed to insert:

That the Secretary of the Interior be, and he hereby is, authorized to permit the business committee of the Menominee tribe of Indians in Wisconsin to cause to be cut into logs and hauled to suitable places for sawing and cause to be scaled, under such rules and regulations as he may prescribe, the dead and down timber on the sections containing dead and down timber in the north half of township No. 29, range 13 east; the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east, on the Menominee Indian Reservation, in Wisconsin, as herein provided, such cutting of timber to be in addition to the amount authorized to be cut and sold annually by the act of June 12, 1890. (26 Stat. L., p. 146.)

The Secretary of the Interior shall make contracts with a sufficient number of portable mill owners to come upon the reservation and saw into lumber the logs so cut from such dead and down timber, the compensation for such sawing to be fixed at a certain rate per thousand feet, which amount shall not exceed the sum of \$3.50 per thousand feet board measure, both hard and soft wood included.

That the Secretary of the Interior is hereby authorized to pay out of the funds of the said Menominee tribe of Indians now on deposit in the United States Treasury all necessary expenses incurred in the cutting and sawing of the timber as provided herein, which amount of money shall be reimbursed from the sale of the lumber as herein provided.

That said lumber shall be sold in such quantities as the Secretary of the Interior may direct, under such rules and regulations as he may prescribe, to the highest and best bidder for cash, after due advertisement inviting proposals, and in such manner and at such time and place as the Secretary may direct, and from the proceeds of the sales of such lumber there shall be deposited in the Treasury of the United States to the credit of the said Menominee tribe of Indians the amount of money paid out of said fund as the expense of cutting and sawing said lumber; and also there shall be deposited in the Treasury of the United States to the credit of said Indians the one-fifth part of the net proceeds of the sales of said lumber, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be deposited in the United States Treasury to the credit of said tribe and shall bear interest at the rate of 5 per cent per annum to be paid to the said tribe per capita in semi-annual cash payments.

The amendment was agreed to.

Mr. LONG. I offer the amendment which I send to the desk.

The SECRETARY. On page 41, after line 7, it is proposed to insert:

That the Secretary of the Interior is hereby authorized and directed to cause, at as early date as practicable, an examination to be made of lands that have been or may be allotted to members of the Five Civilized Tribes, with a view to determining the lands which may, in his judgment, be reasonably classified as mineral lands because of supposed deposits therein of coal, asphalt, oil, gas, or other minerals of commercial value; and to the extent that the President may approve such classification, he shall give notice thereof, by proclamation, that such lands have been so classified; and the President may, from time to time, eliminate therefrom, by like proclamation, such lands as may be shown to his satisfaction to be in fact nonmineral; but nothing herein contained shall affect the authority of the Secretary of the Interior, under other laws, to remove restrictions upon alienation of the lands so proclaimed to be mineral in character; nor shall anything in this provision contained be held or construed to discontinue or in any respect affect the supervisory authority of the Secretary of the Interior relative to any mineral lease or mineral leases heretofore executed by any allottee of said tribes.

To enable the Secretary of the Interior to make the classification of said lands there is hereby appropriated the sum of \$50,000, out of any money in the Treasury not otherwise appropriated.

All restrictions on the alienation of lands which have been or hereafter may be allotted to Indian allottees of the Five Civilized Tribes are hereby removed, except as to full bloods, minors, homesteads, and as to lands aforesaid classified as mineral lands, until the right to alienate such lands accrues under existing laws: *Provided*, That no agricultural leases for a term exceeding one year nor any mineral lease of lands from which the restrictions are not removed shall be valid unless approved by the Secretary of the Interior, and shall be subject to such regulations as he may prescribe; and no lands from which the restrictions are not removed by law shall be alienated or encumbered without the approval of the Secretary of the Interior.

The removal of the restrictions heretofore provided for shall take effect at the earliest time practicable, to be determined by the President, who shall give at least thirty days' notice thereof by proclamation.

Mr. CLARK of Wyoming. Mr. President, I do not propose to object to this amendment, because I realize that objections along this line are absolutely futile. But I do want to put upon record my dissent from the prevailing view that the people of the Indian Territory should be further and continually bothered and hampered both in their progress and prosperity by throwing around them restriction after restriction upon their power to do business. I wish to put upon record my dissent from the idea that the people of the Indian Territory (and when I say the people of the Indian Territory I mean these

classified as members of the Five Civilized Tribes) are not competent to transact their own business. I want to put upon record my disclaimer of this policy which every year is holding back the progress of that people, taking thousands and hundreds of thousands of dollars away from their property values.

Mr. President, the amendment had its inception in an idea that something should be done to alleviate the situation. We all know that all the property substantially down there is hampered and bound up by Congressional restrictions as to its alienation. The amendment, I say, had its inception in an idea that those restrictions shall be liberalized, and it comes before the Senate still further restricted.

As I said, I am not going to make any opposition to the amendment; but I wish to call attention to two matters—I wish I had them before me—showing the condition of affairs in the Indian Territory and what misapprehension exists not only in the whole country, but in this Chamber. I would be glad if I had with me an interview by Mr. Clarence Douglas, the editor of the leading daily paper of the Indian Territory, given to the Post of this city, I think, some three or four weeks ago, upon the proposition of the ability of the people of the Five Civilized Tribes to transact their own business.

I have here, however, a statement by a Cherokee by blood, which sufficiently speaks for itself. I will state that this gentleman was before the Committee on Indian Affairs protesting in the strongest terms against the injustice that men fully competent to transact their own business, men of collegiate education, men of business education, should not be allowed to sell or to have to do with one foot of their land without first consent having been had and obtained. This gentleman when before the Committee on Indian Affairs was asked, "Why do you object to this? You certainly can have your restrictions removed by the Secretary of the Interior." He said: "Gentlemen, I object for the same reason that you would object. I would not for all the property I possess there subject my American citizenship to the humiliation of having to say to a clerk of the Dawes Commission or of the Interior Department, 'I want these restrictions removed,' and be subject to his cross-examination as to whether I am capable of carrying on my own business, as to whether I can read or write, as to how many debts I owe, as to what I intend to do with the money if I sell this property." This gentleman makes the following statement, which I ask to have read from the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Robert L. Owen, of Indian Territory, who made the leading argument in the Supreme Court for the Eastern Cherokees in their \$5,000,000 claim, is at the Riggs House.

"The Indian Territory," said Mr. Owen, "is making great progress. The allotments are almost completed, and a great immigration is going on. The citizen Indian is hardly distinguishable from any other citizen of the United States. He is entirely different from the Indians of other States, being educated, cultivated, refined, and self-supporting. Over half of them are so nearly white that their Indian blood would not be recognized. Only a fourth of the Indian people are of full Indian blood, and they have had the advantages of schools and churches and self-government for seventy-five years. The idea that they are generally incompetent is absurd. They do not differ materially from a like number of people in the agricultural districts of southern Kansas or Texas.

"Of course, we have our average proportion of deaf, dumb, blind, insane, and incompetents, but the mere name 'Choctaw, Chickasaw, Seminole, Creek, and Cherokee' at a distance of 1,500 miles has established the idea of general incompetency, and the Government, with great benevolence, insisted, against the wishes of our people, in legislating on this unsound theory. The law, therefore, imposed the condition that the surplus land of our people should not be alienable for five years from the date of the patent. This does not prevent sales; it merely diminishes the selling price. Where a clear legal fee would bring \$15 an acre, the equitable estate will only bring half as much, and the law, instead of protecting our people, ties their hands while their pockets are picked.

"They own the equitable estate in their several allotments, and when they sell this equity, while the bare legal fee does not pass for five years, the equitable estate does pass, and nine out of ten will, by proper deed, make good the legal title when the 'restrictions' are removed.

"The so-called 'restrictions' are well meant, but are only injurious. This will never be understood at long range, and our people will be kept benevolently bound by their friends, strangely enough, for the benefit of unscrupulous speculators."

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. If there is no Senator ready to go on with a speech, I will ask that the unfinished business be laid aside temporarily.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CLARK of Wyoming. Now, Mr. President, the utterance read from the desk is the utterance of a man whom the Congress of the United States, in its wisdom, says shall not dispose of an acre of his land without consent first had and obtained, and this amendment says he shall not dispose of an acre of his land in any way if it contains oil, gas, or mineral. The utterance is the utterance of a man who is at present in this city engaged in the trial of a lawsuit before the Supreme Court of the United States involving \$5,000,000 worth of property.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. CLARK of Wyoming. Certainly.

Mr. CLAPP. May I interrupt the Senator to remind him that I am credibly informed one of the justices of that great court went so far as to say the argument which the gentleman made was one of the ablest presentations ever made to the court?

Mr. CLARK of Wyoming. There is no question about it, Mr. President, and yet we stand here day after day and year after year and insult the intelligence of that people by throwing continually around them more and more of these humiliating conditions. I simply to-day, Mr. President, want to protest now and for the last time against that benevolent action of the American Congress which, as Mr. Owen says, binds the hands of those people so that others may pick their pockets.

Mr. HALE. Before the Senator sits down I wish to say that here is a provision to which the Senator very forcibly objects. It is a clean piece of new and general legislation. If the Senator is so strongly opposed to it, why does he not make the point of order, when it would go out at once? I make this suggestion because when Senators who are not as near to the Indian question as our western friends have made points of order that provisions are general legislation some impatience has been shown because of the interposition of Senators whose special attention is not directed to these subjects.

Now, here is the instance of a Senator who is near to the whole scene of action, who expresses in strong language his opposition to the entire proposition of the Senator from Kansas [Mr. Long]. I should be glad to know why it is that the Senator does not, on his responsibility as a Senator and a western man near to the Indian question and knowing about it, invoke the point of order.

Mr. President, when committees specially charged with the subject-matter have incorporated provisions into the bill that they report to the Senate or when a Senator nigh to the scene of action reports or introduces an amendment which he says and believes will be beneficent in its effect, but which is yet subject to a point of order and is general legislation, it is not an agreeable task for a Senator who is dealing simply with the business of the body to interpose, and I again ask the Senator from Wyoming why he has not made the point of order?

Mr. CLARK of Wyoming. The Senator asks me at some length. I will answer him at much less length. The Senator from Wyoming does not make the point of order because the Senator from Wyoming does not consider that under the rule the amendment is subject to the point of order.

Mr. CLAPP. Mr. President, I do not wish to delay the Senate, but before this matter is disposed of I want to indorse the sentiment expressed by the Senator from Wyoming.

There is another thing that I think it is fair to protest against, and that is the continual characterization of everybody on the frontier in connection with the Indians, and especially in the Indian Territory, as grafters. It was my duty to go down there last fall and look over that Territory. I found people from all States there, reputable people, people who are laying the foundation of a great Commonwealth, people who are framing a policy there and working out the problem of Government, and in the absence of needed legislation, without power to raise one dollar of taxes for their streets and highways. They have built splendid cities of 15,000 and 20,000 people, which compare with other cities, and yet all done by subscription. We have labored this winter as best we could somewhat, in a measure, to relieve that situation. They are at least now vested with the power to assess taxes for that purpose. As I have already said this morning, in our zeal for the Indian instead of serving the Indian we have thrown around him limitations which he will break through, with the aid of judicial investigation and judicial determination, and all that it will result in will be that he will be mulcted in an additional sum out of his estate in attorney's fees.

I do not believe this policy is a fair one, either to the people or to the Indians down there. It was my privilege last fall to address in the Indian Territory an Indian school, and many of the scholars and students in that school were as fair in com-

plexion as anyone in this Chamber, but because upon one side or the other they have inherited Indian blood they are Indians, and they must be kept subject to restrictions.

Mr. President, the history of our dealing with the American Indian is a story of wrong from start to finish; but with every other wrong that we have done the American Indian the wrong we have done him in robbing him of his self-respect overtops all the other wrongs. We assume to be the guardian of the Indian, and we have taught him almost every vice he knows. The Indian is no fool. He laughs at the white man, with all his vices, assuming to teach civilization and morals to the Indian. The Indian is not blind to the situation, and he laughs at the plea of the white man coming to deal honestly with him, and acting as guardian of his property, when our great Government stands appalled in the unlawful taking over of thousands and millions of acres of our public domain.

Is that the kind of education which will make a man of the Indian? The Indian has a sense of humiliation. I can take the brightest boy in the city of Washington, and dole out \$10 a month to him until he was 35 or 40 years of age, and he would not know enough to buy the necessities of life. That is not the way to bring about the development of the Indian.

I know too well, and every man in the West must know, that the Indian is improvident, that many of them squander their means; but I believe to-day in regard to the funds we are trying to dispose of, it would be better for the Indian if the fund could be buried in the depths of the sea.

We are confronted to-day with the problem whether we will retain that fund, and keep this pupillage of the Indian, keeping him a child, doling out \$10 a month to him, so that he can accomplish nothing in the acquisition of improvements, and simply squander it as readily as he would squander the larger fund that might be given him. On the other hand, if we give it to them in bulk we all know too well that much of it will be squandered. It would be better for them if the funds did not exist. But the funds are there, and the funds belong to these people, and our action this winter on the other bill and much of our action on this bill, humane as have been our purposes, kind as have been our sentiments, and inspired by a desire to serve the Indian, have simply complicated the rights of the Indians. Subjected as he is to the other great drafts upon him, we place him now subject to the additional draft at the hands of the attorneys, who will point out to them the ineffectual legislation which we have passed in the other bill and in this bill, and in the end the burden falls upon the poor Indian. Well might the Indian exclaim, "God save me from my friends!"

Mr. MONEY. Mr. President, I will make the point of order against the amendment, that it is general legislation on an appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken. The Chair sustains the point of order.

Mr. LA FOLLETTE. I rise, sir, to ask to have stricken out of the bill from and including line 17, on page 161, down to and including line 2, on page 162.

The VICE-PRESIDENT. The Chair will state to the Senator from Wisconsin that his motion is not in order, that amendment having been agreed to.

Mr. CLAPP. I would suggest to the Senator that he make a motion to reconsider the vote by which the amendment was agreed to.

Mr. LA FOLLETTE. I did not know but that it had been passed over.

The VICE-PRESIDENT. Without objection, the vote by which the amendment was agreed to is reconsidered.

Mr. SPOONER. The Senator can make the motion when the bill gets into the Senate out of the Committee of the Whole.

The VICE-PRESIDENT. The Senator can make the motion when the bill reaches the Senate.

Mr. LA FOLLETTE. If I can make it at this time as well, I would prefer to do so.

The VICE-PRESIDENT. Is there objection to reconsidering the vote by which the committee amendment was agreed to, on pages 161 and 162? The Chair hears none. The vote is reconsidered, and the amendment is before the Senate. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. My reason for making that motion is that the subject-matter of the amendment which I have submitted is now under consideration by the Interior Department and is not yet determined. This provision of the bill takes it out of the hands of the Interior Department and determines it here and now by legislation; and that should not be done. I offer and ask to have read a letter from the delegate of the business committee of the Menominee Indians of Wisconsin.

Mr. TELLER. I should like to know to what amendment the Senator from Wisconsin refers.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 161, beginning with line 17, it is proposed to strike out down to and including line 2, on page 162.

Mr. LA FOLLETTE. I now send to the desk and ask to have read the letter to which I have referred.

The VICE-PRESIDENT. The Secretary will, without objection, read the letter submitted by the Senator from Wisconsin.

The Secretary read as follows:

WASHINGTON, D. C., April 23, 1906.

HON. ROBERT M. LA FOLLETTE,
Washington, D. C.

SIR: In the Indian appropriation bill now pending before the Senate, page 161, commencing from line 17, contains the following provision: "That the Secretary of the Interior is hereby authorized and directed to pay to such members of the Stockbridge and Munsee tribe as he shall find entitled thereto, under the said act of March 3, 1893, and the enrollment made thereunder, and the descendants who are living and in being on the 1st day of July, 1904, in cash, per capita, the whole of the trust fund now to their credit in the Treasury of the United States, etc."

I desire to say that the Menominee tribe of Indians have a claim against the Stockbridge and Munsee Indians, arising out of timber which was cut on the Menominee Indian Reservation by the said Stockbridge and Munsee Indians many years ago. This timber was afterwards sold for the benefit of the Stockbridge and Munsee Indians. A statement of the nature of this claim was filed in the office of the honorable Commissioner of Indian Affairs some time ago.

The Commissioner of Indian Affairs, on July 3, 1905, referred this matter to the superintendent of the Green Bay Indian School, with instructions to investigate the contentions of these two tribes, and to submit a full report of his views upon the question to the Indian Office, as shown by the copy of office letter, which is attached hereto.

Some time during the past winter the business committees representing the Menominee and Stockbridge and Munsee Indians met at the agency office at Keshena, Wis., in the presence of Supt. Shepard Freeman, and a hearing was held. At this hearing the Menominees produced substantial evidence to sustain their contentions, while the Stockbridge and Munsee Indians had none save their own denial to the assertions made by the Menominees.

The witnesses in behalf of the Menominee tribe of Indians at said hearing were John Winans and J. L. Whitehouse, both white men and residents of Shawano County, Wis. Both of these men are prominent citizens in the community in which they reside and are entitled to credit as witnesses. They are old settlers of Shawano County, Wis., and they were well familiar with the facts connected with the cutting of the timber on the Menominee Indian Reservation by the Stockbridge and Munsee Indians.

After the hearing was over the Stockbridge and Munsee Indians admitted that the claim of the Menominees was a just claim. Then an agreement was made between the two tribes to the effect that as soon as the ground was dry in the spring the location of the land upon which the timber was cut should be ascertained and the timber estimated. The Stockbridge and Munsee Indians stated that after this was done they are willing to pay the indebtedness as claimed by the Menominees.

I inquired at the Indian Office the other day whether Supt. Shepard Freeman had made his report upon this subject, and I was informed that he had not as yet.

Supt. Shepard Freeman will not be able to make his report until after the timber has been estimated.

I am informed that the Stockbridge and Munsee Indians have only \$75,000 to their credit in the Treasury of the United States. This provision I have quoted authorizes the Secretary of the Interior to pay the Stockbridge and Munsee Indians all this money. If this is done, our claim will not be settled.

I therefore ask that said provision authorizing the Secretary of the Interior to pay the Stockbridge and Munsee Indians the whole of the trust fund now to their credit in the Treasury of the United States be stricken off, and the money withheld until after they have settled the claim of the Menominee tribe of Indians.

Respectfully submitted,

MITCHELL OSHKENANIEW,

Delegate of Business Committee of Menominee Indians of Wisconsin.

Mr. LA FOLLETTE. I caused inquiry to be made at the Interior Department some days ago, and I find that no report is on file at the present time from Shepard Freeman, the superintendent of the Green Bay Indian school, to whom this matter was referred for investigation. For that reason I think it fitting that this provision in the bill, which forestalls that investigation and report, shall be stricken out.

The VICE-PRESIDENT. The question is on the amendment reported by the committee on page 161, beginning in line 17, and going down to line 2, on page 162, which the Chair understands the Senator from Wisconsin [Mr. LA FOLLETTE] desires disagreed to.

The amendment was rejected.

Mr. WARNER. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

Mr. TELLER. Mr. President—

Mr. SPOONER. Mr. President, I do not understand whether the question was on the motion made by my colleague [Mr. LA FOLLETTE] to strike out the committee amendment, or whether the question was on agreeing to the amendment of the committee.

Mr. LA FOLLETTE. My request was that the committee amendment be stricken out.

Mr. SPOONER. That, as I understand, is a Senate amendment?

The VICE-PRESIDENT. It is a Senate amendment.

Mr. SPOONER. And it has been disagreed to?

The VICE-PRESIDENT. The question was on the committee amendment. Shall the amendment be agreed to? By a negative vote it has been disagreed to.

Mr. SPOONER. Then it is out?

The VICE-PRESIDENT. It is out by a vote of the Senate. The amendment submitted by the Senator from Missouri [Mr. WARNER] will be stated.

The SECRETARY. In the amendment of the committee, on page 41, after the word "records," in line 7, it is proposed to insert:

That all restrictions upon the alienation of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, excepting as to homesteads, are hereby removed, to take effect July 1, 1906.

The VICE-PRESIDENT. The question is on the amendment.

Mr. SPOONER. What is that amendment?

The VICE-PRESIDENT. The Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr. WARNER.

Mr. SPOONER. Mr. President, that has been the subject of much debate in the Senate. I agree with much that was said by the Senator from Minnesota [Mr. CLAPP]. I think there is a great deal in the history of the governmental dealing with the Indians which is entirely discreditable to the United States. I think a great deal of it is due to the fact that the rules of the Senate have generally been entirely ignored in the consideration of Indian appropriation bills, and they have been filled with general legislation. Subjects which ought to have been, in the interest of the Indians and in the interest of the honor of the Government of the United States, separately considered as independent propositions and debated upon their merits have been concealed in the womb, if I may say so, of these very elaborate bills. Doubtless there have been a great many cases where legislation was needed and where it could probably be best accomplished through appropriation bills. Undoubtedly there are thousands of cases in which restrictions ought to be removed. I have no doubt there are thousands of cases in which it is an injustice not to remove restrictions; but there are thousands of cases, Mr. President, in which restrictions ought not to be removed, if they lawfully exist.

An Indian does not become overnight competent to transact the business of life, competent to protect himself against rapacious white men. I am not reflecting on the race, but I take it there are almost as many white men in this country who have followed the trail of the half-breed and the full blood, not in the interest of the Indian, as there are Indians, and there always will be.

I think, Mr. President, the legislation was a great mistake which transformed by the signature of a President the Indian from his traditional position of dependence and guardianship to independence, with the responsibilities which that status carries with it. I think the time has come when general legislation in the Indian appropriation bills ought to be much more carefully guarded.

This is general legislation. I am in favor of investigation, which shall enable an intelligent discrimination in the removal or retention of restrictions upon the power of alienation; but I do not believe it is in the interest of the Indian; I do not believe it is fair play to thousands of Indians, Mr. President, that by one provision, broad as it can be made, incorporated without investigation and further intelligent debate, in an Indian appropriation bill, this change in status should be brought about; and I make the point of order, Mr. President, that the amendment offered is general legislation.

Mr. TELLER. I hope the Senator will withdraw the point of order.

Mr. SPOONER. I will withhold the point of order.

Mr. WARNER. Mr. President, I understand the point of order is not debatable.

Mr. SPOONER. It is debatable.

Mr. WARNER. I am not sufficiently familiar with the rules of the Senate to discuss the point of order, and therefore I shall be glad to give way to the Senator from Colorado [Mr. TELLER], who was about taking the floor. I may have a few words to say later in answer to the suggestion of the Senator from Wisconsin [Mr. SPOONER].

Mr. TELLER. Mr. President, I understand the point of order is withdrawn.

Mr. SPOONER. No; it is withheld.

Mr. TELLER. I do not know that I care to discuss the point of order, the Chair having, as I understand, passed upon a similar point of order. I have expressed my dissent from the ruling of the Chair, and I do not know that I care to discuss it further.

But, Mr. President, I approach the subject without very much hope. I regard the condition, in the Indian Territory particularly, as an exceedingly critical and anomalous one. I do not expect that the Senate of the United States to-day is going to give very much attention to this question. If it should, it would be the first time in thirty years that the Senate would take hold of this question as the Senate ought to take hold of it.

It is nearly thirty years since I came into the Senate. This question has been a live question, and it has been left practically for half a dozen men to investigate and make themselves acquainted with the facts, and then for the Senate, unacquainted with the facts, to overrule them in their conclusions of law and conclusions of fact. If I speak with some warmth upon it, it is because we in the West have suffered immeasurably at the hands of well-intentioned members of the Senate and well-intentioned people who are outside of the Senate, who have assumed to control this question, in which we of the West are more particularly interested than anybody else.

I do not agree with the Senator from Wisconsin that the trouble has arisen out of legislation upon appropriation bills. It is only a few years since that system was adopted. While the appropriation bills remained with the general Committee on Appropriations there was very little of this; but when the Indian appropriation bill was by the Senate referred to the jurisdiction of the Committee on Indian Affairs, it was but natural and to be expected that that committee would deal with the subject not simply in the way of a financial measure, but as a question of Indian policy and Indian necessities.

A few moments ago there was offered an amendment that was declared out of order, on the suggestion of the Senator from Mississippi [Mr. MONEY], who, I suppose, without any consideration whatever as to what the effect of the provision would be, but simply upon the theory that general legislation should not be put upon an appropriation bill, raised a point of order against it.

An amendment was offered by the Senator from Kansas [Mr. LONG], who has some knowledge of the needs and wants of the people of that country—and I am sure no one will doubt but that he is as anxious to protect the Indians as anybody could be. That amendment was not very satisfactory to me, and not very satisfactory, I think, to himself; but we believed it would be better than the present condition. That being disposed of, the Senator from Missouri [Mr. WARNER] offers an amendment which is much more extensive and far-reaching in its effect than the amendment offered by the Senator from Kansas.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. Certainly.

Mr. TILLMAN. I desire to get information as to why the committee did not consider the important phases of the Indian question. I may be mistaken in saying that they did not; but I ask why did they not, in the amendments which came from the committee and were incorporated in the bill suggesting to us changes in the law, deal with this important question of removing restrictions? Why is it brought in here at the twelfth hour, so to speak, in written form, without having been printed, so that we could examine it and see what its effect would be? That is the complaint of the Senate; that is my trouble. I do not know what is going on, and do not seem to be able to "catch on." I may be "clabber headed."

Mr. TELLER. I do not know that I care about going into the question as to why the committee did not do so. There is a difference of opinion in the committee.

Mr. CLARK of Wyoming. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly, I yield to the Senator.

Mr. CLARK of Wyoming. I wish to give my understanding of the matter to the Senator from South Carolina [Mr. TILLMAN]. It is my understanding only—I may be wrong—but I understand that substantially this provision was passed by the House of Representatives in the Five Civilized Tribes bill, which has lately been before both Houses, and that this provision substantially was also passed by the Senate when that bill came up for consideration here. Other amendments to the House bill were also passed; and in the conference report, which was discussed and to which both Houses agreed, this particular part of the action of both Houses was eliminated

finally from the bill; so that, as a matter of fact, it has been considered by the Committee on Indian Affairs.

Mr. TILLMAN. If the Senator from Colorado will permit me further, I should like to know whether or not this sweeping amendment which is proposed now does not alter and radically change the situation produced by the amendment offered by the Senator from Wisconsin in regard to coal lands and oil lands?

Mr. CLARK of Wyoming. Not at all.

Mr. TILLMAN. Are not these allottees supposed throughout all that Territory to have some coal and oil under their lands, and is it not the purpose to give the monopolies, which have seized the coal and oil elsewhere, an opportunity to get their fingers in here?

Mr. CLARK of Wyoming. I can not speak as to what may have been the purpose of other people. I have advocated this thing very strenuously, but I will not answer the Senator—

Mr. TILLMAN. Let us leave out "purpose"—

Mr. CLARK of Wyoming. It has not been my purpose, nor has it been the purpose of any member upon this floor who is advocating it so far as I know. But I want to say to the Senator further that this amendment does not touch the coal land, about which the Senator from Wisconsin spoke the other day, because that land is not allotted land, but is land segregated from allotment by the Secretary of the Interior under the direction of Congress.

Mr. TILLMAN. If the Senator will allow me, I will change the word "purpose" to "result" or "effect." Will not the effect of this amendment be to enable those who are seeking to monopolize the oil fields in the Indian Territory to get in under this provision and get possession of the oil? Will that not be the effect of it?

Mr. CLARK of Wyoming. It would be no more the effect of it there than it would be here. The effect of putting any land in private ownership is to consolidate that land in other ownership if the sale shall be made. That would be the effect of it no more there than elsewhere. I deprecate the idea that whenever the Government takes an action of this kind to give men their citizen's rights under the law it shall be characterized as an effort to monopolize and grab.

Mr. TELLER. Mr. President, there is no reason to suppose there will be any aggregation of land if this amendment is adopted either for the purpose of mining coal or obtaining oil or anything else that would not exist without it. The country down there is now pretty well divided up and in the hands of large corporations, and that difficulty, if it is a difficulty, exists and can not be saved, in my judgment, by any legislation that we may here enact.

I do not know that any serious trouble would arise if certain parties should become the owners of these coal lands, provided they buy them and pay the proper price for them and that the people who have them and own them get the proper price. That is one of the reasons that a number of Senators here who have given some attention to this subject favor removing these restrictions, because it would enable the owner of property to sell it in the open market without having to come to Washington to secure the consent of some subordinate in the Interior Department, for no one will pretend, of course, and we can not believe for a moment, that the Secretary of the Interior can give personal attention to and have personal knowledge of these transactions.

As has been stated, if the Indian wants to sell, he must go and get some lawyer, or somebody who says he has got influence enough, to secure a removal of the restrictions. Then the lawyer has to get an adequate fee out of it. We had a gentleman before us the other day who, without any hesitation and without any concealment, said that he had secured the removal of restrictions on quite a number of claims, and that he had charged \$500 in each case. In some cases there had been much more than that charged.

The most common method, I believe it will be found, of dealing with this subject is for some man to go and say to an Indian, "You want to sell your land"—that is, land other than his homestead—"you have a right to sell it, provided you can get the approval of the Secretary of the Interior. To do that you must show that you are capable of discharging the duties of citizenship to the extent that you will know how to take care of your property after you get it." There are some people down there, Mr. President, who will not employ that class of agents, and who are as capable of dealing with the subject of their property rights as any man in the Senate. They decline to do that, and they are not allowed to sell unless they do that thing or come here and humiliate themselves before the Department.

When the contract is made it is provided that the attorney shall have \$500, or whatever the fee may be, and an additional arrangement is made that the allottee shall take a certain amount

for the land, which is generally less than any other person would pay. The Indian feels that he must get somebody to release him from these restrictions, and then he agrees with the party who is to secure his release that he will take a certain sum for the land. The man pays him a few dollars. Then he goes on and gets the restrictions removed and sells the land for less than it would bring if the allottee himself had a right to sell it without securing consent.

Mr. President, not only is the Indian affected, but the white man who has gone down there to live and those who expect to go there to live are involved. There are, I suppose, about 90,000 Indians inside of the Indian Territory. There are four or five times that number of white people, and perhaps even more. Those people are without land. They are anxious to buy, but unless there is somebody to sell of course they can not become landowners.

Every one of the Indians in the Indian Territory is a citizen of the United States. Whether wisely or not does not make any difference; he is a citizen. The Senator from North Dakota, as I understand him, insists that notwithstanding his citizenship the Government still has some control over him, and he cites in support of that the case of *The United States v. Rickert*, decided in 188 United States, October term, 1902. In that case the only question was whether the Government of the United States had such title in the property that it could not be taxed by the State. At that time these Indians were not freed from their wardship. They were still members of the tribe, and they were not citizens of the United States. The court declared that they were wards. All that was decided in this case was, in the first instance, that the Government of the United States had the ownership of the property to such an extent that the State could not tax it. As an elementary principle of law, I suppose everybody will admit that a State can not tax the land of the Government of the United States. It is true that when some of the Western States were admitted they guaranteed that they would not do that, but the Supreme Court of the United States years ago declared that without any such guaranty in the constitution of the State it had no right to tax Government property. They did that in several cases. It is not worth while to cite them.

There was another question in this case which the Senator from North Dakota cites, and that was whether personal property belonging to the Indian was taxable; and the court decided that the personal property was not taxable. It so decided on the ground that it was practically the property of the United States, and because it was the property of the United States it could not be taxed, as no property of the United States can be taxed by a State.

In 1888 the Attorney-General gave an opinion that the government of the State could not tax Indian lands held under the act of 1887. The act of 1887 provided for what is called a "patent," which the Supreme Court declared was not a patent, but merely a memorandum in writing that on a certain occasion, at a certain time, the Government would convey the title; that the title remained with the United States. A patent, in a technical sense, is a deed, but the court made the distinction between that kind of a patent and the ordinary patent issued to a citizen of the United States who becomes the owner of 160 acres of land. The court said the—

statute plainly imports nothing more than instruments or memoranda in writing, designed to show that for a period of twenty-five years the United States shall hold the land allotted in trust for the sole use and benefit of the allottee.

They also held that the buildings erected by the Indians were a part of the realty.

Now, coming to personal property—

Was the personal property, consisting of cattle, horses, and other property of like character, which had been issued to these Indians by the United States, and which they were using upon their allotments, liable to assessments and taxation by the officers of Roberts County in 1899 and 1900?

Then the court say:

The personal property in question was purchased with the money of the Government, and was furnished to the Indians in order to maintain them on the land allotted during the period of the trust estate, and to induce them to adopt the habits of civilized life. It was, in fact, the property of the United States, and was put into the hands of the Indians to be used in execution of the purpose of the Government in reference to them. The assessment and taxation of the personal property would necessarily have the effect to defeat that purpose.

That is all that was decided in that case—that the Government had a property interest.

Now we come to the *Heff* case, which is the last declaration of the court on that subject and is perfectly consistent with a dozen decisions the court has made at different times. As I have said again and again here, if there never had been any decision of the Supreme Court of the United States on the subject it could not be a question of doubt among lawyers.

The Senator from Minnesota [Mr. CLAPP] read a portion of this decision; I merely wish to read a word or two.

Mr. McCUMBER. From which decision is the Senator about to read?

Mr. TELLER. From the Heff case. I guess I will read only a little on page 509, because the Senator from Minnesota read the most of it.

Referring now to this very case to which I have just called attention, the court say:

In *United States v. Rickert* (188 U. S., 432), we sustained the right of the Government to protect the lands thus allotted and patented from an incumbrance of State taxation.

Then the court goes on to say:

But it is unnecessary to pursue this discussion further. We are of the opinion that when the United States grants the privileges of citizenship to an Indian—

I wish the Senate would give attention to this decision—

It gives to him the benefit of and requires him to be subject to the laws, both civil and criminal, of the State; it places him outside the reach of police regulations on the part of Congress; that the emancipation from Federal control thus created can not be set aside at the instance of the Government without the consent of the individual Indian and the State, and that this emancipation from Federal control is not affected by the fact that the lands it has granted to the Indian are granted subject to a condition against alienation and incumbrance, or the further fact that it guarantees to him an interest in tribal or other property.

The district court of Kansas did not have jurisdiction of the offense charged, and therefore the petitioner is entitled to his discharge from imprisonment.

It can not be controverted that a citizen, having been an Indian, is just as much a citizen as if he had never been an Indian. We have never made any distinction as against a foreigner who came here and abjured his allegiance to a foreign government and swore allegiance to ours. His rights have been equal in all respects to the rights of any native-born citizen. We have never asserted any control over him, nor is it possible that the General Government can maintain such control.

The fact that these people down there are citizens of the United States has materially changed the condition and has made it more difficult, perhaps, to deal with. But at the same time we ought to understand that that has passed beyond any controversy; right or wrong, it must be left as it is. If these are citizens, they must be assumed to have the rights of citizenship as well as the obligations of citizenship. Of course they have taken their property with restrictions, and they must hold that property until those restrictions expire.

Mr. SPOONER. Of course that doctrine applies as much to the full bloods as to the others?

Mr. TELLER. It applies to all. There is no distinction between a full blood and a mixed blood. Of course we may maintain that they shall not sell their lands because they have taken their lands with these restrictions. It is a simple question of public policy. It is a simple question as to what will be best for the Indian and what will be best for the white man who comes in contact with him: Shall the Indian be allowed to sell or shall he not?

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. It is merely for information. I understood the Senator from Colorado the other day to say, in answer, I think, to an interrogatory which I took the liberty of putting to him, that there were a good many thousand Indians who confessedly were not competent to manage with discretion their own affairs. Is it not possible to make some investigation and discriminate between the great body who are and the large but still minor body who are not competent?

Mr. TELLER. I have no doubt we might make some investigation with reference to whether we will remove the restriction on full bloods.

Mr. SPOONER. That is what I mean; and the others, where the restrictions exist—where they are in the patent.

Mr. TELLER. That is what we have been trying to do. That has been the vice of this legislation in the past. We have submitted that question to the Secretary of the Interior to determine. Here are 90,000 people owning land, for every Indian owns land. There are no landless Indians at the present time. Those 90,000 people have no way of determining whether they are allowed to sell their land until they come before the Secretary of the Interior and try to persuade him that they are competent to deal with this subject and ought to be allowed to sell. If we had simply said originally that they should not sell their land; that they should hold it for twenty years or twenty-five years, and had stopped there, it would undoubtedly have been better for the Indians than the present condition. But we did not do that, and we have been allowing the Indians to sell, and

not always, perhaps, have those most capable of taking care of themselves been allowed to sell.

This land in the Indian Territory owned by the Indians is going to be occupied by somebody. You can not in this age prevent it from being occupied. It will be occupied according to law or it will be occupied without law. White men will go there and make some arrangement with the Indians, which may be beneficial or which may not; and I think myself the wisest thing we can do is to give, at least to the mixed bloods, the right to alienate. I do not mean to say they are qualified, but the large percentage would be qualified, and the few who would not be must suffer rather than that the great mass of these people should be kept in a bondage that prevents them from progressing and retards the progress of the community in which they live.

Mr. DUBOIS. Mr. President, I can not support the amendment of the Senator from Missouri [Mr. WARNER], even if it is not ruled out on a point of order. I think the point has not been pressed as yet. The amendment is too broad, too sweeping; it removes all restrictions, even from the full-blood Indians.

Mr. TILLMAN. It excepts the full bloods.

Mr. MONEY. No; it does not.

Mr. TILLMAN. It does not?

Mr. DUBOIS. It removes the restriction from the full-blood Indians.

From my observation, which, of course, is somewhat limited, there is not much difference between the full-blood Indians of the Indian Territory and the full-blood Indians of the Pacific slope. I have seen numbers of them this session.

They appeared before me as chairman of a subcommittee to urge some legislation. Of course there are exceptions. There are some very bright full-blood Indians in the Indian Territory, as there are on the western coast. But the full-blood Indians of the Indian Territory generally, in my judgment, are no more capable of taking care of their property than are our Indians on the coast. I think it would be a tremendous mistake for us to remove the restriction upon the alienation of their land, as is contemplated in this amendment.

I was sorry that the Senator from Mississippi [Mr. MONEY] made a point of order against the amendment offered by the Senator from Kansas. That restricted alienation. It was a compromise which was about as good as we can get, and it would have enabled these partly white Indians who are capable to dispose of their surplus land.

The criticism does not lie fairly against the committee that they have not fully and carefully considered the subject. The trouble is that the Senate would not agree to what the committees of both Houses thought wise in regard to these restrictions. The conditions in the Indian Territory among the Five Civilized Tribes are different from the conditions among other Indians. Those Indians are much more highly civilized. Only about 24,000 of the 90,000 are full bloods, and of the large number, three-fourths of the Indians, who are white there is a much higher order of civilization and education than among other Indians. The proportion of those who are able to take care of their property is much larger than it is among other Indians, and that class ought to be allowed to dispose of their property, and that was pretty well guarded, I believed, in the amendment offered by the Senator from Kansas.

Mr. WARNER. Do I understand that the Senator from Idaho would support the amendment if full bloods were prohibited from selling; that is, that the mixed bloods are capable of transacting their own business?

Mr. DUBOIS. I would say to the Senator from Missouri that while I do not agree with the Senator from Wisconsin, I have a good deal of sympathy with his contention. I do not believe that all of the mixed bloods, by any manner of means, are capable of transacting their business. If we have the power to—

Mr. WARNER. Are all the white men of any State or city capable of attending to their own business?

Mr. DUBOIS. Oh, no; not at all. But there is a responsibility here which devolves upon us. I have in view also the white people of that section. I want to go as far as I can, but I would not willingly vote, and I never yet have been able to bring my mind to consent, to remove the restrictions absolutely from those Indians, whether they are mixed bloods or not; and I will not consent to remove the restrictions absolutely from the surplus lands of the full bloods. I think the amendment of the Senator from Kansas came as near satisfying the different views of the Senate as any that can be drawn, and I regret that the Senator from Mississippi raised the point of order against it. I think, I may add in passing, that it would have been satisfactory to the Senator from Missouri.

Mr. WARNER. It would have been entirely satisfactory to me, being a step in the right direction.

Mr. MONEY. I should like to inquire the parliamentary status of the amendment offered by the Senator from Missouri?

The VICE-PRESIDENT. It is the pending amendment. A point of order was raised by the Senator from Wisconsin, but afterwards withheld.

Mr. MONEY. I offer an amendment in the nature of a substitute for the pending amendment.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment in the nature of a substitute, which will be stated.

The Secretary read as follows:

That all restrictions upon the alienation of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood, are, except as to homesteads, hereby removed, to take effect July 1, 1906.

Mr. WARNER. If it be in order to accept the amendment, I will say that the amendment is entirely acceptable.

The VICE-PRESIDENT. The Senator from Missouri can accept the amendment.

Mr. McCUMBER obtained the floor.

Mr. MONEY. If the Senator from North Dakota will excuse me, I should like to make one remark on the amendment I have just offered.

Mr. McCUMBER. Certainly.

Mr. MONEY. I will not detain the Senate long.

Mr. President, I desire to say that the amendment I have offered I consider a sort of compromise of the matter as between those who are contending for supervision of Indian affairs and those who believe that all restrictions should be entirely removed. The amendment protects the Indians of full blood, and, on the other hand, it ought to content those who are of opinion that the mixed bloods and the white men there are just as competent as American citizens anywhere else.

As far as I am advised—and I do not pretend to any knowledge on this subject; I speak simply from information derived from very reliable sources within the Territory, from intelligent people, all of them, with whom I have had communication—this amendment will about meet their views as to what is best for the Territory. I do not see how the Indian or anybody else will be benefited by a compulsion to have his treasure remain undiscovered in the bowels of the earth, or how he is to improve his condition by a reservation of all he has, above his homestead, until some remote period when he will be gathered to his fathers, his children meantime growing up without enjoying the advantages which they would have had if he had been allowed to dispose of his surplus land at least.

Mr. McCUMBER. Mr. President, I have no objection to this amendment, I think. I would prefer that it be amended so as to exclude mineral and coal lands known at the time of sale to be such. While it is true that the coal and mineral lands which we have heretofore discussed have been those that have been reserved and are not in allotment whatever, still there may be other mineral lands and other oil lands there, and I would prefer to keep them intact and unsold for some little time, or at least until we can determine their character and value.

This amendment makes a distinction between the full-blood and the white Indian. I desire frankly to state that I have never regarded and do not now regard an individual having one-sixteenth or one-thirty-second part of Indian blood in his veins as being an Indian in fact. He is to all intents and purposes a white man. His association with the Indians, his living with the Indians, may possibly have given him some of their natural characteristics, if we may include laziness as among those characteristics.

But I am not particularly solicitous for the white man in the Indian Territory. There are about 24,000 full-blood Indians in the Indian Territory, if I have the figures correctly. There are about 90,000 white men called Indians. I have not the slightest objection to every white man in that Territory selling all of the land he has, and to removing restrictions entirely with respect to him. I do regard it as a moral and a sacred duty on the part of the Government of the United States to continue the existence of the red man or the Indian just as long as it can. We took his land from him without his consent. We obligated ourselves when we took that land to at least care for him. The only way to care for him is to care for him in a way in which he can live.

I do not agree with the Senator from Minnesota [Mr. CLAPP] in the suggestion that the only way to legislate for the Indian is first to make him a pauper and then after he is made a pauper to let him develop the necessary character to make a white man. That has been our error through all our legislation—the folly of ever expecting to take a tribe of Indians, with their thousands and hundreds of thousands of years of inheri-

ance, and make white men out of them, when the white men have an equal line of inheritance of an entirely different nature. If the Indians had been of that character so that they would develop when left to themselves, they would naturally, with all the vast opportunities there have been on this continent in the last thousand years, have grown and become a great people. The very fact that they have failed to do so in the face of these wonderful opportunities seems to be almost conclusive evidence of their inability to do so. If we will admit that basic truth in the first instance in dealing with our Indian population, we will rid ourselves of a good deal of this needless legislation.

The Indian to-day would have been a hundredfold better if he never had been brought in contact with white civilization, if he had been kept separate and allowed to live as was his wont to live. We have tried to impose our morals upon him; we have attempted to impose our ideals upon him, entirely foreign to his nature and foreign to his condition. It has never been a success. It never can be a success.

But we have a few of the full-blood Indians left. Let us protect those. Inasmuch as we have taken all the land from them so that they can no longer help themselves or live in the way they did a hundred or more years ago, let us protect them to the extent of our ability. We are not going to do it by still trying to make a white man out of him. One would have to argue with me, with my knowledge of the Indian, a great while before he would ever succeed in convincing me that the Indian is better off if he has no land and no property whatever. He may be a pauper, but in heaven's name, if he be, let us keep a little spot of 160 acres of this green earth between the two oceans that he can say is still the red man's land, on which he can build his own tepee, and in which he can protect himself from the elements, so that he will have at least that right—some little spot that is his own.

If we remove those restrictions absolutely, then in ten years the Indian will not own one foot of land upon the face of the earth, and he will be a wanderer. I call the attention of Senators on the committee to an appropriation we have made in this very bill to take care of vagabonds whose lands we had taken. There are remnants of several tribes in the State of California that we have had to support year after year, and finally we have an appropriation in this very bill to buy them land again. Yet, in the face of that provision in the bill, Senators are making the claim here that we must first pauperize the Indians by taking away all their lands. But when we have done that we must buy some more land for them and place them on it, as we have done in the State of California.

So far as this amendment is concerned, I shall vote for it, and I hope we will forever get rid of the white Indian as a ward of the Government. Then we can concentrate our energies toward taking care of the real red man.

Mr. President, I think that is all I can say except as to the little question of difference in the law as applied to those citizens in the Indian Territory. When we applied the Heff case, when we applied the Rickert case to the Indian status, we must remember that those cases were applied to Indians who had ceased their tribal relations. The law has declared that the tribal relations in the Indian Territory should continue. The Government has, therefore, its control over the tribal property, and with the control over the tribal property it may control its division and the extent in which any limitation may be imposed upon it. Therefore, as long as the title has not absolutely been divested from the Government, I am inclined to think that we can change or enlarge restrictions on its sale where the tribal relation still continues and where there has not been a complete adjustment, as there has not been in the Indian Territory. It is in process of adjustment, and even the allotment may possibly be changed or substituted under the present law. There we have 24,000 real Indians. I hope we will still attempt to protect the real Indian and by this amendment eliminate the white Indian from future legislation.

Mr. BAILEY. Mr. President, I suggest to the Senator from Mississippi that in addition to the exception of the full blood it might be well enough to except minors. Of course an Indian minor, no more than any other minor, can alienate his property; but under this provision an Indian minor, like any other minor, could make a deed, and that deed would be good unless disaffirmed within a reasonable time after he attains his majority.

I would like to see a direct prohibition against conveyance by Indian minors. Of course, as soon as the Indian minor attains his majority then the restrictions would be removed. I do not regard it as vital, but I believe it might serve a good purpose.

Mr. MONEY. Does the Senator mean as to the full bloods?

Mr. BAILEY. Of course the expression "full bloods" would include all full bloods, minors as well as others, and the exception

which I would like to make would be the Indian minors not included under the description of full bloods.

Mr. MONEY. Mixed bloods.

Mr. BAILEY. Yes.

Mr. MONEY. I would not like that amendment, although I would not be very obstinate about it, because I think the mixed blood minors would have such relation with their kindred that they would not be tempted as in the case of full bloods.

Mr. BAILEY. The truth is, as those of us who live right near that country know, that there are a few, and I say it to the credit of the white people there, a very few consciousnessless speculators there, and I believe that with the restrictions removed, and no disability except that of minority existing, it would be a safe prediction that advantage will be taken of the minors. I will not press it, but if it is entirely agreeable, I should like to see that exception made.

Mr. MONEY. I have no objection to the amendment.

The VICE-PRESIDENT. Will the Senator from Texas state his proposed amendment to the amendment?

Mr. BAILEY. I think I can state it from the floor. After "full bloods" insert "and minors," if the Secretary will be good enough to read it.

The VICE-PRESIDENT. The Secretary will read the amendment as proposed to be amended.

The Secretary read as follows:

That all restrictions upon the alienation of the lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood and minors, are, except as to homesteads, hereby removed to take effect July 1, 1906.

Mr. BAILEY. I think perhaps it would be a little more accurate to say, after "Indians of full blood," "and Indian minors." Of course we are dealing with Indians and that would be understood.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. CLAPP. If the amendment is going to be voted upon, I think the amendment ought to be made to it which I send to the desk.

The VICE-PRESIDENT. The Senator from Minnesota proposes to amend the amendment of the Senator from Missouri by adding what the Secretary will read.

The Secretary read as follows:

Provided, That nothing in this act contained shall be held or construed to discontinue or in any respect affect the supervisory authority of the Secretary of the Interior relative to any mineral lease or mineral leases heretofore executed by any allottee of said tribes.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. BAILEY. I suggested the amendment to the amendment without reflection as to the language of it, and while I think the expression as it stands is accurate enough, I believe it could be made more definite to say, "Indians under the age of 21 years." Of course minority is understood well in the law, and a minor is understood to be a person under 21 years old, but without being certain that there is any statute defining minority as applicable to those people I think it might be well enough to define it in the amendment. So, after "Indians of full blood," I suggest to insert "and Indians under 21 years of age," instead of the words I suggested a moment ago.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be so modified.

Mr. LA FOLLETTE. Mr. President, I believe an amendment was adopted to the bill—I was not present at the time—providing for an investigation to be prosecuted by the Secretary of the Interior with respect to coal lands in the Indian Territory. I will inquire of the chairman of the Committee on Indian Affairs if I am right with respect to it?

Mr. CLAPP. There was an amendment appropriating \$50,000. I think in justice to the Senator I ought to state that, as I recall it, it would apply to the segregated coal lands. I doubt whether in its present form—I am speaking now from memory—it would apply to an investigation beyond the segregated coal lands. The amendment is at the desk, however.

Mr. TILLMAN. The Senator had better have it read.

Mr. HALE. Let us dispose of this other matter first.

Mr. LA FOLLETTE. I should like to have that amendment read.

Mr. HALE. What has become of the amendment offered by the Senator from Missouri and the point of order raised upon it?

The VICE-PRESIDENT. The point of order was withheld by the Senator from Wisconsin [Mr. SPOONER]. The Chair was prepared to rule upon it, but the Senator from Colorado asked the Senator from Wisconsin to withhold his point of order, he desiring to address the Senate. The Senator from Wisconsin

has not renewed his point of order. The amendment to the amendment proposed by the Senator from Missouri is pending.

Mr. HALE. Let us dispose of that before we go to any other amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment offered by the Senator from Missouri. The Secretary will state the proposed amendment to the amendment.

The SECRETARY. Add at the end of the amendment the following proviso:

Provided, That nothing in this act contained shall be held or construed to discontinue or in any respect affect the supervisory authority of the Secretary of the Interior relative to any mineral lease or mineral leases heretofore executed by any allottee of said tribe.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri as amended.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin rise to this amendment?

Mr. LA FOLLETTE. I rise to ask that the amendment adopted previously—I do not know what day it was when this bill was under consideration; I was not present—with respect to the investigation to be made by the Secretary of the Interior as to coal lands, may be read.

The VICE-PRESIDENT. Does the Senator wish to have the pending amendment withheld?

Mr. LA FOLLETTE. Yes, sir; I should like to have that amendment previously adopted reported first.

Mr. CLAPP. I think we can save time if I read it from the RECORD.

That the Secretary of the Interior is hereby authorized and directed to make further investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and in order that said investigation may be thoroughly practical and exhaustive the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated.

It would seem from this that the application of this appropriation was limited to the segregated coal lands.

Mr. LA FOLLETTE. I had been informed, Mr. President, that the amendment was broader. My information, with respect to the coal lands in Indian Territory that have been segregated, is that only those lands have been reserved in which the vein of coal shows at the surface. I am informed by the geologist who made the examination and surveys that this would in all probability not include all of the coal-bearing land in the Indian Territory; that coal underlies, beyond question, much of the land adjoining, where the coal does not appear on the surface, and under this amendment we are as likely to authorize the sale of lands that are coal lands and lands that are oil lands as well.

Such study as I have been able to make of this subject leads me to favor the policy of gradually educating the Indians to assume the responsibility of administering their own business affairs.

But it would seem to me the part of wisdom with respect to Indians not well advanced in civilization that their education should begin with a control of the proceeds of their lands. They should not be allowed to part with the title to their lands. If allowed to handle the proceeds, without being authorized to sell except under proper limitations, they will acquire business experience, and at the same time will be protected from the danger of improvidence and future need. I have understood that the Indians in the Indian Territory are, except as to the full bloods, in the main capable and progressive, but it seems to me they ought to have the aid and assistance of the Government when it comes to selling their land.

At the proper time, Mr. President, I should like to submit an amendment to the one pending providing that all sales shall be made under the supervision of the Secretary of the Interior.

The VICE-PRESIDENT. The amendment now would be an amendment in the third degree.

Mr. LA FOLLETTE. Yes, sir; I fancied it would be out of order at this time.

The VICE-PRESIDENT. The Senator can offer the amendment when the bill reaches the Senate. The question is on agreeing to the amendment of the Senator from Missouri [Mr. WARNER] as amended.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The Secretary will read the amendment as it would stand amended.

The SECRETARY. On page 41, after line 7, insert:

That all restrictions upon the alienation of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood and Indians under 21 years of age, are, except as to homesteads, hereby removed, to take effect July 1, 1906: *Provided*, That nothing in this act contained shall be held or construed